

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)
)
Plaintiff,) APPEAL
) CR15-00707-PHX-SRB
vs.) Phoenix, Arizona
) March 8, 2016
Abdul Malik Abdul Kareem,) 9:01 a.m.
)
Defendant.)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #13
(Pages 2200 through 2440, Inclusive.)

APPEARANCES:

For the Government:

U.S. ATTORNEY'S OFFICE
By: Kristen Brook, Esq.
Joseph Edward Koehler, Esq.
40 North Central Avenue, Suite 1200
Phoenix, AZ 85004

For the Defendant Abdul Malik Abdul Kareem:

MAYNARD CRONIN ERICKSON CURRAN & REITER PLC
By: Daniel D. Maynard, Esq.
Mary Kathleen Plomin, Esq.
3200 North Central Avenue, Suite 1800
Phoenix, AZ 85012

Official Court Reporter:

Elizabeth A. Lemke, RDR, CRR, CPE
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, SPC 34
Phoenix, Arizona 85003-2150
(602) 322-7247

Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1

INDEX OF WITNESSES

2

JAMES CARRIERES:

Direct examination by Ms. Plomin Page 2202
 Cross examination by Mr. Koehler Page 2205

4

ABDUL KHABIR WAHID:

Direct examination by Mr. Maynard Page 2207
 Cross examination by Ms. Brook Page 2246
 Redirect examination by Mr. Maynard Page 2271

6

DEEDRA ABOUD:

Direct examination by Mr. Maynard Page 2276
 Cross examination by Mr. Koehler Page 2293
 Redirect examination by Mr. Maynard Page 2297

9

ABDUL MALIK ABDUL KAREEM:

Direct examination by Mr. Maynard Page 2299
 Cross examination by Mr. Koehler Page 2398

11

INDEX OF EXHIBITS

12

13

EXHIBIT NO.:DESCRIPTION:RECEIVED:

14

Exhibit No. 291

Revised Screencap of
 an official ISIL video
 from Wilayah Halab
 showing the aftermath
 of a public beheading

Page 2435

15

Exhibit No. 293

Revised Screencap of
 an official ISIL video
 from Wilayah Halab
 showing the aftermath
 of an execution

Page 2435

16

Exhibit No. 559

Written contract for
 GMC truck 11/13/14

Page 2337

20

Exhibit No. 566

Complete excerpt of
 text messages from 4/30/15-
 5/3/15 extracted from
 Kareem's Maxwest phone

Page 2204

22

Exhibit No. 603

Photograph of Elton
 Simpson on couch with remote

Page 2271

23

24

25

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 P R O C E E D I N G S

2 (Called to the order of court at 9:01 a.m.)

3 (Open court, jury present.)

4 THE COURT: Good morning, ladies and gentlemen.

5 Please sit down. The record will show the presence of the
6 jury, counsel, and the defendant.

7 The defense may call its next witness.

8 MS. PLOMIN: The defense calls James Carrieres.

9 (Witness duly sworn)

10 THE CLERK: Please state your name for the record and
11 spell your last name.

12 THE WITNESS: James Carrieres. My last name is
13 spelled C-A-R-R-I-E-R-E-S.

14 THE COURT: You may proceed, Ms. Plomin.

15 MS. PLOMIN: Thank you.

16 **JAMES CARRIERES, WITNESS, SWORN**

17 **DIRECT EXAMINATION**

18 BY MS. PLOMIN:

19 Q Good morning, Mr. Carrieres.

20 A Good morning.

21 Q Mr. Carrieres, were you retained by the defense as an
22 expert in this case?

23 A I was.

24 Q And as part of your duties, did you extract text messages
25 from a Maxwest cell phone?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A I did.

2 Q Belonging to the defendant?

3 A Yes, according to the records that I received.

4 Q Okay. And did you receive actually an image of the
5 Maxwest cell phone produced by the government?

6 A Yes, I did.

7 Q Now, initially, did you perform one extraction using a
8 trial software of -- the trial version of software?

9 A That's correct.

10 MS. PLOMIN: Okay. Your Honor, may I approach the
11 clerk with Exhibit 565?

12 THE COURT: Yes.

13 BY MS. PLOMIN:

14 Q Mr. Carrieres, you have Exhibit 565 in front of you. Do
15 you recognize that?

16 A I do.

17 Q Is that an extraction that you performed from the Maxwest
18 cell phone?

19 A Yes, it was.

20 Q And did that depict a complete version of all the text
21 messages between May 1st and May 3rd from this cell phone for
22 the Maxwest cell phone?

23 A The version that I used, the software itself is called
24 Belkasoft Evidence Center. And at the time that extraction
25 was done, it was a trial version.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 At that time I did not know it was not extracting all
2 the data, but later realized that, in fact, it wasn't
3 complete.

4 Q Okay. And then did you then use a more complete version
5 of the software in order to extract all the text messages from
6 April 3rd -- 30th, 2015, through May 3rd, 2015, from the
7 Maxwest cell phone?

8 A That's correct. I got a full version of the Belkasoft
9 software and it did the extraction of the phone.

10 MS. PLOMIN: Your Honor, could the clerk please give
11 Exhibit 566 to the witness?

12 BY MS. PLOMIN:

13 Q Do you recognize Exhibit 566?

14 A I do.

15 Q And what is -- and is Exhibit 566 the complete version you
16 were able to extract from May 30th -- I'm sorry -- from April
17 30th, 2015, to May 3rd, 2015?

18 A That's correct.

19 MS. PLOMIN: Okay. Your Honor, permission to admit
20 566 and publish.

21 THE COURT: Is there any objection?

22 MR. KOEHLER: No objection.

23 THE COURT: 566 is admitted.

24 (Exhibit No. 566 admitted in evidence.)

25 BY MS. PLOMIN:

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q I'm putting 566 on the screen for the jury to see and I
2 just want to clarify one thing. On Exhibit 566 in the
3 left-hand column it says "Time MST" and then over here it says
4 "Time UTC."

5 Can you explain that?

6 A Sure. The UTC is what the actual software generated.
7 That's the Universal Time Coordinated. It's kind of a central
8 time unit that is used in forensics often.

9 And so there was a conversion that was done. That
10 left-hand column was actually added which is a minus-7
11 Mountain Standard Time which basically puts it into Arizona
12 time.

13 Q So the left-hand column is the correct time for Arizona
14 time?

15 A That's correct.

16 MS. PLOMIN: Nothing further. Thank you.

17 THE COURT: Mr. Koehler.

18 **CROSS EXAMINATION**

19 BY MR. KOEHLER:

20 Q As I look here at 566, I don't see a column for whether a
21 message was read or sent; is that correct?

22 A That's correct.

23 Q And also, you have duplicate entries in here?

24 A It's the way the software produced it. I mean,
25 ultimately, I didn't change anything. So if there were

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 duplicate entries, that's the way it was produced.

2 Q But the duplicate entries don't mean that the text was
3 sent twice; is that correct?

4 A That's my assumption just because they're exact, so the
5 duplicate would make it seem like it picked up two.

6 THE COURT: Does that mean that for some unexplained
7 reason the phone itself stored two duplicate entries?

8 THE WITNESS: That's possible, but I don't really
9 have an explanation for how the software parses it. It's a
10 very complicated process for a software to go in and try to
11 put this in this type of format.

12 BY MR. KOEHLER:

13 Q And did you compare this to the previous exhibit that you
14 produced? 565.

15 A I have just reviewed it on a cursory level. I did not
16 look at each text message to know which one is missing and
17 what is not.

18 Q Okay. And did you compare it to the government's exhibits
19 that had text messages from the same date range?

20 A No. I did not.

21 MR. KOEHLER: No further questions.

22 THE COURT: Anything else, Ms. Plomin?

23 MS. PLOMIN: No, Your Honor.

24 THE COURT: Can this witness be excused?

25 MS. PLOMIN: Yes.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: Any objection?

2 MR. KOEHLER: No, Your Honor.

3 THE COURT: Thank you, sir. You may step down and
4 you are excused. You can just leave the exhibits right there.

5 Thank you.

6 MR. MAYNARD: Defense is going to call Abdul Khabir
7 Wahid.

8 (Witness affirmed.)

9 THE CLERK: Please state your name for the record,
10 spelling your last name.

11 THE WITNESS: Abdul Khabir Wahid. W-A-H-I-D.

12 THE CLERK: Can you spell your middle name?

13 THE WITNESS: That is my first name.

14 THE CLERK: Can you spell it?

15 THE WITNESS: A-B-D-U-L. K-H-A-B-I-R.

16 THE COURT: You may proceed, Mr. Maynard.

17 **ABDUL KHABIR WAHID, WITNESS, SWORN**

18 **DIRECT EXAMINATION**

19 BY MR. MAYNARD:

20 Q Good morning, Mr. Wahid.

21 A Good morning.

22 Q Could you introduce yourself to the jury. What is your
23 full name?

24 A Abdul Khabir Wahid.

25 Q Okay. We have -- do you go by any other names?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A AK or Abdul Khabir.

2 Q And we have heard some people talking about Abdul Khabir
3 Hyman. Have you ever gone by Hyman?

4 A At one time, yeah.

5 Q Could you pull the microphone a little bit closer to you?

6 All right. Where do you currently live? What town
7 do you live in?

8 A Phoenix.

9 Q And how long have you been living in Phoenix?

10 A About 21 years.

11 Q Do you have any children?

12 A Yes.

13 Q And who are those children?

14 A Waseem, Jazmin, and Sakeehan.

15 Q And has one of your children testified in this case
16 already?

17 A Yes.

18 Q And which one was that?

19 A Waseem.

20 Q Now, are you a Muslim?

21 A Yes.

22 Q And how long have you been a Muslim?

23 A For 21 years.

24 Q What brought you to Phoenix originally?

25 A Just wanted a change. I was living in Philly and I just

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 decided to move out here.

2 Q Where did you originally live?

3 A Philadelphia.

4 Q Okay. Do you know the defendant in this case Abdul Malik
5 Abdul Kareem?

6 A Yes.

7 Q Did you know him in Philadelphia?

8 A No.

9 Q Are you related to him in any way?

10 A We share a cousin.

11 Q Okay. Can you explain that to the jury?

12 A We have a cousin -- I'm related to his cousin from his
13 father's side. He's related to the same cousin from his
14 mother's side. So we call each other "cousin" because we
15 share a cousin.

16 Q Okay. You're not related through blood but you're related
17 somehow through marriage?

18 A Right.

19 Q And when did you learn that you two were related through
20 marriage?

21 A Probably about three years ago.

22 Q When did you first meet Abdul Kareem?

23 A I think roughly about three years ago.

24 Q And how is it that you came to meet him? Where did you
25 meet him?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Through Ibrahim.

2 Q And Ibrahim is also known as who?

3 A Elton Simpson.

4 Q Okay. How long have you known Elton Simpson?

5 A Since he was 19.

6 Q And how did you meet Elton Simpson?

7 A Through the masjid.

8 Q Did you two go to the same masjid?

9 A Yes.

10 Q Did -- and when you say you met Mr. Abdul Kareem through
11 Elton Simpson, do you recall how that was, where you guys
12 were, anything of that nature?

13 A I believe he was -- he came by my house with him in a car
14 and that's how we got introduced.

15 Q Okay. Now, did there come a point in time when you
16 learned that Elton Simpson was actually living with Mr. Abdul
17 Kareem?

18 A Yeah. I assume so, yeah, because they -- I don't know
19 exactly how the arrangement was, because they was staying
20 somewhere and he just happened to be staying there. But I
21 don't think it was his place at the time. I'm not sure. I
22 don't think it was Abdul Malik's place. I think it was the
23 other brother's place that they were staying all together.

24 Q Was that an apartment on Vista?

25 A I believe so.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay. Did you recall when they moved to Cochise?

2 A No. I can't remember exactly when they moved to Cochise.

3 Q Did you ever go to the house on Cochise while Simpson was
4 living there with Mr. Abdul Kareem?

5 A Yeah. I'm trying to think. I'm trying to think. I
6 remember him living there. I don't remember -- I'm trying to
7 remember if I remember him living there and, yeah, I guess,
8 yeah.

9 Q Okay. Were there times that you guys socialized together?
10 Did you go out to eat? What was your relationship with those
11 two?

12 A We were hanging -- it was funny. He liked to go out and
13 eat. He liked to go out and drink Chia and go places and
14 drink a lot of tea.

15 So we were always going out to basically either an
16 Afghani restaurant or to Paradise Bakery. That was his place.
17 He loved going there, so.

18 Q Were there ever times when you would borrow Mr. Abdul
19 Kareem's car?

20 A Yeah.

21 Q Do you recall an incident that occurred in the summer of
22 2013 that involved Mr. Abdul Kareem's car while Mr. Simpson
23 was still living with him?

24 A What incident are you talking about?

25 Q That's what I want you to tell the jury.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Oh.

2 Q Do you recall there being a time when Mr. Abdul Kareem got
3 upset when you had borrowed his car?

4 A No. I don't think I remember him getting upset when I
5 borrowed his car. I just remember the time when he tore his
6 car up looking for something, whatever he was looking for.

7 Q Tell the jury what you're referring to when you say he
8 tore his car up.

9 A He was -- he was looking in his car and he was trying
10 to -- I don't know what he was looking for at first, but he
11 ended up sending us pictures of what he found.

12 And I was amazed because he somehow tore completely
13 through the car and he pulled out this giant box. And he was
14 saying -- I think he thought -- if I remember correctly, I
15 think he thought Ibrahim had something to do with it as far as
16 the FBI was concerned because he wanted to know where did this
17 looking -- this recording-looking-like device, how did it get
18 in his car.

19 So we were all trying to figure out how it get in his
20 car too, you know, so -- because somehow he got it -- I don't
21 know like it was deep inside the car and he got it out. He
22 pulled it out. It was a big box like maybe that big.

23 (Indicating)

24 Q Did he accuse you and Ibrahim of doing something to his
25 car?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MS. BROOK: Objection. Hearsay.

2 THE COURT: Overruled. You may answer "yes" or "no."

3 THE WITNESS: Okay. Thank you.

4 Say that again? Say the question again.

5 BY MR. MAYNARD:

6 Q Did he accuse you or Ibrahim of doing something to his
7 car?

8 A I think he -- he didn't accuse me, but I think he said
9 something to the fact that he was wondering, did Ibrahim have
10 anything to do with it with the FBI, that possibly they were
11 following him because Ibrahim and they put that thing in his
12 car, the box or whatever it was.

13 Q Was he living with Ibrahim at the time?

14 A Yeah. Yeah. Come to think of it, yeah.

15 Q Did Ibrahim continue to live with him after he found
16 whatever it was in his car?

17 A No.

18 Q What happened?

19 A He got mad and he -- he got mad and he threw him out. It
20 was somebody else that was staying there. I can't remember
21 his name but there was two of them standing there. And he
22 ended up telling them they had to leave, so they both left.

23 Q So Abdul Malik threw Ibrahim out of the house at some
24 point?

25 A Right.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Do you recall when that was?

2 A No. I do remember but I don't remember the time frame
3 exactly.

4 Q Do you remember who the other man was that he also threw
5 out of the house?

6 A I think he was kind of a fat guy. I think his name was
7 Abdul Rakman or something like that. I think Rakman. I'm not
8 sure.

9 Q Okay. Did you -- you still remained friends with Ibrahim
10 after that incident?

11 A Yeah.

12 Q And do you know where Ibrahim moved to after that?

13 A He moved to Nadir's -- he was in Nadir's apartment.

14 Q Did you know Nadir Soofi?

15 A Yeah.

16 Q And when did you first meet Nadir Soofi?

17 A I met him a long time ago in the masjid. I would see him
18 like you see brothers in the masjid, but I didn't actually
19 know him until Ibrahim -- you know, he and Ibrahim became
20 friends and that's when I actually got to know him. But I've
21 seen him a few times, but I didn't know him. As I would say
22 like maybe, probably about two years ago.

23 Q Now, after Ibrahim moves in with Nadir Soofi, do you
24 continue to see Abdul Malik?

25 A Yeah.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And where would you see him? What kind of relationship
2 did you guys have?

3 A He liked to cook a lot. He liked to cook so he was always
4 inviting us over to eat. And we were always running to his
5 house. He was always hungry, so we would always go to his
6 house and eat.

7 Q Do you recall whether or not after he threw Simpson out,
8 whether they stayed friends or was there a period of time when
9 they didn't see each other, if you know?

10 A No, I think they stayed friends. Yeah.

11 Q Now, did you and -- and Abdul Malik continue to see each
12 other into 2014 and 2015?

13 A Yeah.

14 Q Okay. Would you go with him to get tea or go to eat and
15 things of that nature?

16 A Yeah.

17 Q Do you -- how often would you go over to Abdul Malik's
18 house on Cochise after Simpson moved out?

19 A Lots of times -- to be honest with you, lots of times
20 Simpson would come pick me up and take me to his house because
21 I didn't have a car at the time. So I would say maybe about
22 two, three times a week, something like that.

23 Q Okay. In 2014, if you can recall, can you tell the jury
24 who was living with Abdul Malik?

25 A I want to say because I'm not too sure, it might have been

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 either Lupe or Stefan. I'm not sure. I don't remember which
2 one.

3 Q Do you remember -- do you remember an individual by the
4 name of Stefan Verdugo?

5 A Yeah.

6 Q And how did you meet him?

7 A I met him through Abdul Malik.

8 Q And was there a time period when he would live with Abdul
9 Malik?

10 A Yeah.

11 Q Okay. Did other individuals live with Abdul Malik at
12 different times?

13 A Yeah. Lots of people. He was always taking people in. I
14 was always telling him you need to leave them people out on
15 the street, but he was always taking people in, so.

16 Q Okay. You mentioned an individual by the name of Lupe?

17 A Uh-huh.

18 Q Do you recall who Lupe was?

19 A Lupe was the neighbor from across the street, so.

20 Q Was he over 21 years old or --

21 A I think he was like 20 or something like that, I believe.

22 Q Do you remember there being a couple of younger boys that
23 lived across the street?

24 A His brothers, yeah.

25 Q Did you ever see them at Abdul Malik's?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Uh-huh.

2 Q Is that a "yes"?

3 A Yes. I'm sorry.

4 Q Okay. No. That's fine. Do it for the court reporter for
5 the record.

6 Did you know whether or not Abdul Malik had guns?

7 A Yeah.

8 Q Okay. Did he?

9 A Yes.

10 Q What kind of guns did Abdul Malik have?

11 A Probably maybe -- I'm not sure if it was a small gun or a
12 large gun, but he had a gun. That's all I remember.

13 Q Was it a pistol or was it a rifle that you saw?

14 A I believe a pistol. I'm not sure. I think a pistol.

15 Q Were you ever with him when he bought a gun?

16 A I think I might have been. Think I might have been, yeah.

17 Q Can you tell the jury approximately when that was or what
18 you recall about that?

19 A I can't. That's one thing. I'm bad with dates. I can't
20 remember dates.

21 Q Okay.

22 A I just -- I remember it being -- I remember him being at
23 night and I just remember him going outside. And I guess he
24 bought it off of some kind of Internet thing with some guy he
25 met and he got a gun and that was it.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Was it during the day or was it --

2 A It was at night.

3 Q Was it in a store or was it in a parking lot?

4 A Parking lot, I believe.

5 Q Did he buy it from a guy who pulled up in a car and took
6 it out of his car?

7 A Yeah.

8 Q Or do you remember?

9 A Yeah.

10 Q Okay. You didn't have anything to do with it? You just
11 happened to be in the car when that happened?

12 A No. No. I was just sitting in the car at the time.

13 Q Do you own any guns?

14 A No.

15 Q Okay. Now, you and Simpson remained friends. How often
16 would you see each other -- and I'm going to focus you on this
17 Garland event when Mr. Simpson was killed.

18 A Okay.

19 Q Five or six months prior to that, how often were you
20 seeing Mr. Simpson?

21 A Sometimes like two or three times a week.

22 Q Okay. Now, did he come to your place or did you go to his
23 place?

24 A He would always come pick me up because I had no car. He
25 had a car so he would always come pick me up.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Did he know your kids?

2 A Yeah.

3 Q Did -- was there ever a time when Mr. Simpson indicated to
4 you that he wanted to do something to an American military
5 base?

6 A He mentioned it, yeah.

7 Q Tell the jury what you recall Mr. Simpson telling you.

8 A If I remember, he came by my house and he told me that it
9 was -- I don't want to -- I'm not sure if it was a Navy base
10 or Marine or whatever it was, but I know it was some sort of
11 military base.

12 And he came by my house and he told me that him and
13 Nadir had planned to go there and to light it up, I guess, so
14 to speak. And he informed me, he said, you know, you can come
15 too if you want.

16 I was like, oh, no, brother, I got my kids to think
17 about. That's cool, you know.

18 So he left and I was like kind of worried because I
19 wasn't sure if he was going to do it or not, but I was
20 wondering. Like, I don't know, because he just seemed a
21 little strange to me.

22 So he left and I think he came back a couple days
23 later and said: I didn't go through.

24 And I said: Well, what happened to it?

25 He said: Well, he said that he -- he believed the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 door was locked or something and that prevented him from
2 getting inside to go start shooting at people. So that's what
3 happened.

4 Q Why didn't you call the law enforcement or police or
5 somebody?

6 A Well, it was -- to me, to be honest with you, it seemed
7 unusual to me and it was shocking and it was -- it just didn't
8 seem real. And I didn't really think he would do anything
9 like that.

10 And at the same time, I also thought, hum, would he
11 do something to me? Because I wasn't sure where his mind was
12 going because I just know he was changing gradually over a
13 period. But I wasn't really too sure, so I just didn't think
14 nothing of it and I go, okay, whatever, and I left it alone.

15 Q You've known Elton Simpson since he's 19 years old.

16 A Right.

17 Q What do you mean by you saw changes coming onto him the
18 last six months?

19 A Well, he was constantly -- he constantly, constantly
20 referred to jannah and Ahadith. Ahadith are considered to be
21 seven holy wives that you get in Paradise when you die. And
22 so he was constantly, constantly referring to, you know,
23 Ahadith, Ahadith, Ahadith.

24 And he started showing me these videos. He was
25 showing it to me on his phone. And I don't know where he was

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 getting these videos from, but he was finding them and they
2 were really, real graphic.

3 They had me to the point where I was like when he hit
4 the house, I would be sitting here just like -- I was just
5 devastated, like shocked. I couldn't believe -- I was like --
6 and I noticed that he would have, like, when he showed me the
7 video of the guy being burned in the cage, he had this look on
8 his face like, yes, justice is right and he was a big gleam.

9 And I thought, okay, that's not cool, you know. And
10 I didn't know what to say to him. I was just shocked because
11 he kept -- he showed me like a beheading video. He showed me
12 a video of a man being burned in a cage and he showed me the
13 third video because he only showed me three.

14 The third video he showed me of a guy that was
15 apparently a homosexual and they found out about it and they
16 didn't approve of it, so they took and they tossed him
17 literally off the top of this building. And he lived, but
18 they tossed him off the building and he showed me that and
19 that was it.

20 Q What was your reaction to those videos when he showed them
21 to you?

22 A I didn't know what to think. I was just like, okay, you
23 know, just kind of shocked, kind of stunned, because I didn't
24 know what to think. I would just look -- I was just numb, you
25 know, speechless, didn't say much to him. Just look at him

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 like, oh, okay, yeah, you know.

2 And then it got to a point where when he came back to
3 show me the video again, the second and third time, I think I
4 may have mentioned it to Abdul Malik like sort of like in
5 secrecy, you know, if he showed me another video, I'm going to
6 talk to him and tell him, yo, that's not cool, you can't keep
7 showing me these videos, you know, I'm just not into that.

8 So I didn't want to hurt his feelings, but at the
9 same time, I didn't like what he was showing me.

10 Q Did -- at any time did you hear of the Muhammad Drawing
11 Contest that was going to take place in Garland, Texas?

12 A Never. Never.

13 Q Ibrahim never mentioned it to you?

14 A He never said nothing to me.

15 Q When was the first time you heard of that contest?

16 A The first time I heard of it, I believe, was when Abdul
17 Malik came over to the house and let me know that Ibrahim,
18 like, possibly, possibly be dead.

19 And that would have been -- I believe it was a Sunday
20 night. I can't say exactly what like time of the month was
21 it -- I think it was May. I'm not sure. But all I know is I
22 know it was a Sunday.

23 And he came and he told me. And then we weren't
24 sure. We really weren't sure he was dead because we had
25 gotten news from his brother. His brother had called his

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 nephew and his nephew in turn called him and told him and he
2 came and told me.

3 And at the time I was kind of mad at Abdul Malik. I
4 wasn't speaking to him. So when he came to my house, my exact
5 words was -- well, my daughter came running in the house and
6 she's like I think Ibrahim is dead. I'm like what?

7 So she told me -- she goes I think Ibrahim is dead.
8 And I thought why would he say something like that to my
9 daughter. And I was like he better be dead for the sake of
10 the fact that I didn't want to talk to him.

11 So I came outside and I saw him. And he had this
12 look on his face like it didn't look good, you know, and I was
13 like what's going on? And so he told me. And then we learned
14 for sure the next day, Monday morning, that Ibrahim was
15 actually dead.

16 Q Okay. Let me back you up a little bit. On -- I'm going
17 to take you to May 1st and I will tell you that May 1st was a
18 Friday.

19 A Right.

20 Q Okay. And this is the Friday before the incident occurs
21 in Garland, Texas, and that occurs on May 3rd.

22 Did you go to the masjid on May 1st, on that Friday
23 for Jumu'ah?

24 A Okay. I went downtown and my plan was to eventually go to
25 the masjid and I had planned to go to the masjid downtown.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 So I went downtown. And I can't remember why, but I
2 went to the courthouse. I remember going to the courthouse
3 but I can't remember why. And after I left the courthouse, I
4 tried to -- I proceeded to go up to 35th looking for the
5 masjid at 36th Avenue and McDowell but I couldn't find it.

6 So I was just like, well, I'm stuck. So I just turn
7 around, went to a restaurant, got something to eat, and then I
8 left and I got on a bus and that was that.

9 Q And went home?

10 A Yeah.

11 Q Okay. Did you see either Elton Simpson or Nadir Soofi
12 that evening of May 1st?

13 A I can't remember. I think I may have. I think I may
14 have, yeah.

15 Q Did they stop by your house?

16 A Yeah. They stopped by my house.

17 Q And what, if anything, did they give you?

18 A Okay. Nadir came to me. I was kind of surprised because
19 I think it was more like kids answered the door and they came
20 to me and they said Ibrahim and Nadir is here. And I was like
21 Nadir? Because Nadir never comes to my house. So I thought
22 it was kind of strange that he came with him.

23 Q What time was it approximately, if you remember?

24 A I want to say probably about maybe eight or nine o'clock
25 he came to my house.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay.

2 A He came to my house. Nadir gave me a bowl of soup.

3 He said: Are you hungry?

4 And I said: Yeah, why?

5 He said: I got a bowl of soup here for you fresh off
6 the stove.

7 He had just made it.

8 And I said: Okay, thanks. I don't have to cook
9 tonight.

10 So I laughed and I took the bowl from him.

11 And Ibrahim turned around and said: I need you to
12 give to this Saabir for me.

13 And at the time I didn't know what it was, but he
14 gave me an envelope and then he gave me a key. And I didn't
15 look at the key, because if I had looked at the key, I would
16 have realized that it was actually his car key. But I didn't
17 pay nothing. I just grabbed it and said okay.

18 He said: Give it to him by Wednesday.

19 And I said: Okay, fine, and that was that.

20 He then he said to me about my daughter needing, I
21 believe, a female role model in my house, you know, as far as
22 a Muslim is concerned. And he said my son is a good Muslim.
23 And he stood there for like -- after that there was like
24 silence. Him and Nadir just stood there like for five
25 minutes, like -- it was almost like they wanted to say

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 something to me but they didn't say nothing. And they turned
2 around and they left and that was the last time I ever saw
3 them.

4 Q Did they tell you they were going out of town?

5 A They never said anything. They just said well --

6 Q Did you have an understanding of where they were going?

7 A They didn't say nothing. They just -- like I said, they
8 were tight lipped about it. They just turned around and got
9 in the car and left.

10 Q Okay. Do you recall what you did on the next day on May
11 2nd? Did you communicate with either Elton Simpson or Nadir
12 Soofi on May 2nd of 2015?

13 A No. I couldn't -- I don't remember contact -- I remember
14 sending -- I don't know exactly when, but I remember sending,
15 I believe, Nadir a text and thanking him for the soup.

16 He never texted me back, you know, and I thought that
17 was strange because he always -- he would always text me back
18 when he would text. It would take a long time but he would
19 text, you know. So he didn't text me back, so I thought,
20 okay, you know, no big deal.

21 Q So after seeing them the evening of May 1st, that's the
22 last time --

23 A The last time I ever saw them.

24 Q Last time you saw them. Last time you had any
25 communication with them?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yep.

2 Q Other than you may have sent a text to Nadir but you
3 didn't get anything back.

4 A No.

5 Q Now, you indicated that at some point on May --

6 Well, let me keep you on May 2nd. Did you see Abdul
7 Malik on May 2nd, do you know?

8 A I don't think so. I don't think so.

9 Q Okay. You indicated to us a moment ago that you were sort
10 of mad at him. And the next time you saw him, you thought,
11 was on May 3rd when he came to your house?

12 A Like I said, I can't remember dates.

13 Q Okay.

14 A My brain is old and I forget days real quick.

15 So I do remember talking to him and that was by
16 either phone or by text. And I'm not sure when because it's
17 kind -- it's foggy. Like I said, my brain is -- I have a lot
18 in it, so if it comes to dates, I forget.

19 Q Let's focus for a minute on you said there came a point in
20 time when Abdul Malik came to your house in the evening of May
21 3rd to talk to you about Simpson.

22 Do you recall saying that a few minutes ago?

23 A May 3rd?

24 THE COURT: The night of the -- the night -- when
25 they thought he might be dead.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE WITNESS: Okay. Yeah, I remember that, yeah. I
2 remember that.

3 BY MR. MAYNARD:

4 Q Okay. Can you give me any idea of what time it was when
5 they came?

6 A Oh, okay. Now I remember that. It had to be about like
7 close to midnight.

8 Q Who, if anybody, was with Abdul Malik?

9 A Hakeem.

10 Q And who is Hakeem?

11 A He is Abdul Malik's nephew.

12 Q And is that somebody you know?

13 A Yeah.

14 Q You have known him for a while?

15 A Not for a long time. I have known him for a little bit.

16 Q When you mean "a little bit," two or three years?

17 A Well, actually, when -- no. I take that back. When I
18 think about it, when he came out, when I met him, he had only
19 been out here for a week, so I just -- so I barely met him.

20 Q Okay. What, if anything, did you do when Abdul Malik and
21 Hakeem came to your house around midnight that night. What
22 did you guys do, if anything?

23 A Well, we discussed going over to Ibrahim's house and
24 checking on him because we was -- like I said, we weren't sure
25 if he was him that they were saying that was in Texas or he

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 was at the house.

2 So we decided to drive by, you know, drive by his
3 apartment. And when we drove by the apartment, it was so many
4 cop cars out there it looked like Christmas. I mean, it was
5 that many lights. And then there was tape around the --
6 around the apartment complex, so we couldn't get in.

7 So Abdul Malik says: Do you think that --

8 I remember him saying: Do you think they're in
9 there?

10 And I remember saying to him: Are you crazy? All
11 them cops out there. They probably be dead by now.

12 Like that. So and then I think we had decided that
13 we might want to get out. And Malik was like no, no, no.
14 You're crazy. Don't do that. Don't do that. So we didn't
15 get out of the car. We just stayed in.

16 But we just -- we drove around, I believe, the side
17 of the apartment and we kind of looked over the wall. And so
18 we saw all these, you know, cops just swarming. So we turned
19 around and we left. And after we left there, we went to his
20 father's house and we woke his dad up.

21 Q Whose father?

22 A Simpson's father.

23 Q Okay.

24 A We woke his dad up -- we woke his dad and his mom up
25 actually. And we explained to him that we not sure, but we

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 think that Ibrahim may have been involved in, you know, in the
2 situation in Texas and may have gotten killed.

3 And so we went in the house. The dad he -- whatever
4 it was -- he used something on his TV set. He -- what you
5 call it? He TiVo'd or whatever it was. I don't know what it
6 was. But he ran like through a commercial or something and we
7 caught a glimpse of the car.

8 And I remember Abdul Malik saying: I got a bad
9 feeling that's Nadir's car.

10 And I was like: Well, nah, they made more. I was
11 trying to be the optimist. I was trying to say like nah,
12 maybe he's not dead. Let's not think like that.

13 So then after that we left and we went home. He
14 dropped me off. And I think in the morning I remember getting
15 on my phone because I has CNN on my phone. And they would put
16 the information out little by little by little.

17 You know, like the first they mentioned two guys in
18 Phoenix and then they finally mentioned their names. Then
19 they actually showed their pictures on the Internet. So I
20 knew for sure that, yeah, they're dead, you know, like that
21 and that's what happened.

22 Q Okay. At some point you now have this envelope and a key
23 that Elton Simpson has given you the last time you've seen
24 him.

25 A Right.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q All right. Who do you give that envelope to?

2 A I gave it to Saabir.

3 Q Saabir who?

4 A Saabir Nurse.

5 Q And how do you know Saabir Nurse?

6 A From the masjid. You know, I've known him for a few
7 years.

8 Q Do you know whether or not he was friends with Elton
9 Simpson?

10 A He was friends with him.

11 Q Okay. How do you know that?

12 A I don't know. Maybe because we all had sat down and ate
13 before and laughed and talked and, you know, they used to work
14 together at the same job.

15 Q Where do you understand that Elton Simpson and Saabir
16 Nurse worked together?

17 A What do you call -- a dental practice.

18 Q What did you do with the car key -- or the key you had?

19 A I gave it to Saabir like he asked me to.

20 Q Did you ever learn what was in the envelope that you gave
21 to Saabir Nurse?

22 A Saabir called me on the phone and he told me: You know
23 what was in that envelope?

24 I said: What?

25 He said, you know: It was his title to his car.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MS. BROOK: Objection. Hearsay.

2 THE COURT: The objection comes too late. The answer
3 will stand.

4 BY MR. MAYNARD:

5 Q Do you know whether there was anything else other than the
6 title to his car in that envelope?

7 MS. BROOK: Objection. Hearsay.

8 THE COURT: Sustained.

9 THE WITNESS: No. That was it.

10 THE COURT: No. No. You don't have to say.

11 MR. MAYNARD: It was a good shot.

12 BY MR. MAYNARD:

13 Q I'm going to back you up a little bit prior to this
14 incident that we've just been talking about that occurs
15 concerning Garland, Texas.

16 Are you absolutely sure that you had never heard of
17 the Garland, Texas Muhammad Drawing Contest prior to learning
18 that Mr. Simpson may have been there?

19 A I am positive.

20 Q When is the last time that you recall you and Mr. Simpson
21 and Abdul Malik went out to dinner?

22 A I'm thinking.

23 Q Okay. Let me ask you: Do you ever remember --

24 A Oh.

25 Q Well let me ask you a question.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: Well, he's going to answer your question.
2 You already asked him.

3 THE WITNESS: I just thought about it. It took me a
4 while. I told you my brain is slow.

5 The last time -- we didn't actually -- I wouldn't
6 call it dinner but I would call it lunch. It was the daytime
7 and we went to an Afghani restaurant and we had lunch there.
8 That was the last time we went out together.

9 BY MR. MAYNARD:

10 Q Okay. In relationship to the last time that you had seen
11 Simpson, was it a day before, a week before, a month before,
12 or can you give me any idea of how long it was?

13 A I don't think I saw him -- if I remember correctly, I
14 think it was that Friday he came to my house. And that was
15 the day he must of apparently dropped those papers off with my
16 son but I didn't know about it because my son didn't tell me
17 about those papers.

18 So he came to my house. And my kids let me know that
19 he was there. And I thought that -- that was why I was
20 downtown. I was talking to him on the phone.

21 So anyway, he came to my house and my kids told me he
22 was there. And then I called back and he said he was still
23 there and I got angry. And I was, like, that's my rule. No
24 adults in my house when my kids are in the house. I don't
25 play that, unless I'm there, you know.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 So I remember talking to him. I think I talked to
2 him -- I think I talked to him on the phone or I texted him
3 and I told him, you know, please don't --

4 MS. BROOK: Objection.

5 THE WITNESS: -- please don't come to my house when
6 I'm not home. And that apparently had to be the same day that
7 he gave my son those papers because those -- whatever they
8 were.

9 MS. BROOK: Your Honor, objection. Nonresponsive.

10 THE COURT: Let's ask a new question, Mr. Maynard.

11 MR. MAYNARD: Okay.

12 BY MR. MAYNARD:

13 Q All right. Was there a time when you and Mr. Simpson and
14 Abdul Malik went to a T-Mobile phone store?

15 A Yeah.

16 Q When was that?

17 A There you go with dates.

18 Q Okay.

19 A I can't remember. I just remember the event.

20 Q In relationship to when Simpson died, obviously, it was
21 before he died.

22 A Right.

23 Q Okay. Can you give me some idea? Was it a week or two
24 weeks or what do you remember, if anything, about that?

25 A It might have been a few weeks before that. I'm pretty

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 sure.

2 Q Let's talk about that night, whenever it happened to be,
3 did you and Simpson and Abdul Malik go out for dinner?

4 A I think we did. I'm not sure. I think we did.

5 Q All right. Do you remember going to a T-Mobile store?

6 A Yeah.

7 Q Where was the T-Mobile store located?

8 A I believe it was off of 7th Avenue and Camelback.

9 Q Did you have an understanding of why you were going to the
10 T-Mobile store?

11 A It had something to do with Abdul Malik's phone is all I
12 remember.

13 Q Did you go into the T-Mobile store or did you stay in the
14 car?

15 A I stayed in the car.

16 Q Okay. What about Simpson? Did he stay in the car?

17 A He stayed in the car too.

18 Q He stayed in.

19 Had you guys gone to get food prior to going to the
20 T-Mobile store?

21 A I believe so.

22 Q Do you recall where you went to get food?

23 A No, I don't. I do remember -- I believe we went out to
24 eat.

25 Q Okay. Do you recall whether or not you had gotten

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 take-out and you had it with you or whether you had eaten at
2 the restaurant?

3 A No. I know we ate at the restaurant. I remember that.

4 Q Now, was there anything that was unusual that happened at
5 the T-Mobile store that you recall?

6 A The only thing I remember was Abdul Malik, I think, was
7 going into the store and some lady backed up into him and she
8 hit him with the car. She -- I heard a bump. I heard a
9 thump. And I heard him go, "Hey, you hit me with your car,"
10 and that was the only thing that happened.

11 Q Can you tell us after that happened -- did you actually
12 see it happen or did you hear it?

13 A I heard it. I could hear it. Thump. I didn't see it,
14 but I heard the thump from being hit by the car.

15 Q Did you hear Abdul Malik say anything?

16 A Uh-huh.

17 Q What did you hear him say?

18 MS. BROOK: Objection. Hearsay.

19 THE WITNESS: I heard him say, "Hey, you hit me with
20 the car."

21 THE COURT: Overruled. The answer will stand.

22 BY MR. MAYNARD:

23 Q What, if anything, happened next?

24 A I think I remember him giving the -- talking to the lady.
25 I think he got a card from her for her insurance. And she was

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 asking him was he okay and he's like yeah. And that was that.

2 It happened so fast he just -- she give him a card.

3 He got in the car and we drove away.

4 Q Okay. Now, I'm going to take you back to you've learned
5 now that Elton Simpson has died. You go to the funeral?

6 A Yeah.

7 Q Did you ever meet with FBI agents after the Garland
8 incident?

9 A Yeah.

10 Q And tell us when the first time was in relation -- I know
11 you don't know dates, but in relationship to when Elton
12 Simpson died, was it a day or two later or a week?

13 A I think it might have been like a --

14 Q I'm sorry?

15 A Maybe a week or two weeks after he died.

16 Q Okay. Where did that meeting take place?

17 A In my house.

18 Q Who -- how many agents were there?

19 A Two.

20 Q How long did they stay?

21 A About two hours.

22 Q Was anybody else there other than you and the two agents?

23 A My kids.

24 Q Okay. Did you meet with the agents again after that
25 meeting?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No. I mean, I can say yes and no.

2 And what I mean by that is they -- they did come back
3 to my house that second time they came back. But they came
4 back uninvited the second time. So -- but as far as meeting
5 with them, no, I didn't meet with them.

6 Q Did you know at the time that you were meeting with the
7 FBI in your house that they were taping your conversation?

8 A I had no idea.

9 Q They didn't ask you whether they could?

10 A No.

11 Q At some point did the FBI issue a search warrant on your
12 house?

13 A This is the second time they came back uninvited, yeah.

14 Q Tell the jury what happened on that particular day.

15 MS. BROOK: Objection. Hearsay. Relevance.

16 THE COURT: Overruled. You may answer.

17 THE WITNESS: Thank you.

18 I was sitting in my house and I was on the phone. I
19 was talking to a friend of mine and I was watching TV. And I
20 heard a bang at my door. And I was like --

21 And I heard a faint voice say "FBI open up." And I
22 thought am I dreaming? You know. That can't possibly be who
23 I think it is.

24 So I opened the door. And before I could get a
25 chance to open the door, he was screaming. And he was

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 screaming "FBI open the door" and he had some kind of metal
2 club with some sort of device and he was hitting -- I mean he
3 was hitting my door, hitting it hard.

4 And I was like, yeah, I'll try to come out if you
5 stop hitting my door. And he apparently didn't want to hear
6 that. And so I said -- I said to him, I said, yo, please stop
7 hitting my door before you break my lock.

8 Right after I said that, he hit it two more times.
9 And the second time the lock just flew clean off the door. I
10 mean just "wheew" off the door.

11 And so my daughter was coming out the house and she
12 was coming with me. And I was kind of like shielding her
13 because they had their guns pointed at our heads. So, you
14 know, I don't know, I'm thinking I don't know. It could
15 accidentally go off. This is not funny.

16 But I said they could -- it could actually, you know,
17 go off and shoot us or something. And I said, "Be careful." I
18 said, "Please, don't point your guns at my daughter's head.
19 She's only 16 years old."

20 And the guy, you know, what he did? He took the gun
21 and he said --

22 MS. BROOK: Objection, Your Honor. Hearsay.

23 THE WITNESS: -- then she's gonna come out then and
24 he pointed it at her head.

25 THE COURT: Excuse me. Not what he said but what he

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 did.

2 BY MR. MAYNARD:

3 Q You can't tell us what he said, but you can tell us what
4 he did.

5 A Okay. Well, he pointed the gun further -- you know,
6 closer to her head.

7 Q Okay.

8 A And we came outside and we sat for about two hours in the
9 heat while they ransacked my house. Then the only thing that
10 they found was a paper. And they acted like it was a smoking
11 gun or a dead body or something the way they were treating it.

12 But they came out and they were like -- they go:

13 What is this? And I'm looking like I don't know. And so he
14 said --

15 Q You can't tell us what he said.

16 A Okay. Okay. Well, he showed me a paper. And it was a
17 paper, apparently, from what I understand because I didn't
18 even know my son had it.

19 Ibrahim had given it to my son and it was a paper
20 about extremist scholars on this paper.

21 And so, you know, I let him know, hey, I didn't know
22 it was even in the house. And so he was like, well, this is
23 what we found and this is kind of a big deal. And, you know,
24 he was just going on and on and on about this is not good
25 stuff.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 And he started telling me about how bad and how wrong
2 it is to have something like this. I'm was telling him I
3 didn't know my son had it. I had no clue.

4 Q And did they -- other than that piece of paper, did the
5 FBI take anything else out of your house?

6 A Oh, glad you said that.

7 They found -- what do they call that thing? A
8 tactical rail. And he were tripping off of that. And I
9 looked at it when I saw it and I said to myself --

10 MS. BROOK: Objection, Your Honor.

11 THE COURT: Tell us again what it was. A tactical
12 what?

13 THE WITNESS: A tactical rail, a part of a gun.

14 THE COURT: Oh.

15 THE WITNESS: So I didn't even know what it was. He
16 said -- I said it looks like a toy to me. And so he goes,
17 well, we found this, he said, do you know what this is? He
18 said it's a tactical rail.

19 And I said: What's that?

20 And he said: It's part of a gun.

21 I said well, I've never seen it before in my life. I
22 said it looks like a toy and it did. So he took that and he
23 put it in his evidence. And two days later my son came home
24 and my son and me talked about it and I asked my son about the
25 tack --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MS. BROOK: Objection. Hearsay.

2 THE COURT: I think we're getting to a narrative and
3 where we need a new question because we've now moved beyond
4 the search.

5 MR. MAYNARD: Sure.

6 BY MR. MAYNARD:

7 Q Did they take any electronic equipment that you had?

8 A They took all my cell phones. They took all my computers,
9 which was only two, but they took them, and that was that.

10 Q Did you have any guns in the house at the time?

11 A No.

12 Q Did your son have any guns in the house?

13 A No.

14 Q The thing -- the tactical you have been talking about, was
15 that a gun?

16 A The tactical rail actually came from an aerosol gun. I
17 don't know why these ding-dongs could not figure out that it
18 was part of a -- of basically a toy. Because my son said to
19 me --

20 Q No. You can't tell us what your son said.

21 A Yeah. Right. All right. Anyway --

22 Q At some point did you get back your electronic equipment?

23 A A week later.

24 Q Okay. And where did you -- how did you get it back?

25 A I had to go down to the FBI to pick it up.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And did you talk to the FBI again at that time?

2 A I think I did. I can't really remember what we said but I
3 think I did talk to them.

4 Q Do you remember how long you were there before you picked
5 up the --

6 A I know we did for a while because they took my son in the
7 back room and they were talking to him, grilling him over
8 basically, but they were talking to my son. And I think about
9 an hour.

10 Q Okay. Anybody tell you that they were taping you at the
11 time?

12 A No.

13 Q All right. Did you know Ali Soofi?

14 A Yeah. I knew him. Barely, but I knew him.

15 Q How did you know -- when did you first meet Ali Soofi?

16 A I met Ali Soofi -- for the first time I met him when I was
17 in Walmart and I was standing outside with my groceries. And
18 Nadir was in his car and he drove up with Ali Soofi.

19 And he asked me: Hey, what you doing?

20 I said: I'm just shopping.

21 He goes: Well, how you getting home?

22 And I said: Well, I'm waiting for a cab.

23 And he said: No, don't do that. I'll just take you.

24 And so when he put me in the car and put me and the
25 groceries in the car, Ali happened to be in the car as well.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 That was the first time I ever seen Ali. And we drove home.

2 He dropped my groceries off at the door and he left.

3 Q Did Ali come into your house that time?

4 A No.

5 Q Can you give us -- I know you don't know dates, can you
6 give me some idea of when that occurred prior to Ibrahim's
7 death? Would it have been a week, months, or do you have any
8 recollection?

9 A Probably a couple months.

10 Q Okay. Now, after this event occurred in Garland, Texas,
11 did you have any conversations with Ali Soofi on the phone?

12 A Yeah. Afterwards.

13 Q Okay. Had you ever had a conversation with Ali Soofi on
14 the phone prior to the Garland incident?

15 A No.

16 Q How many conversations, if you recall, did you have with
17 Ali Soofi after the Garland incident?

18 A I think about three.

19 Q How is it that -- do you know -- did you call him or did
20 he call you?

21 A I called him because I was worried about him.

22 Q Why were you worried about him?

23 A I think I was worried about him because I had a feeling
24 that the FBI would start bothering him and nagging him because
25 I thought he was Nadir's brother.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 And so we talked. And I was under the impression
2 that I was trying to help him and explain --

3 Oh. I think he -- no, wait. I think he might have
4 called me.

5 But anyway, when we talked, he was basically like,
6 you know, these --

7 MS. BROOK: Objection. Hearsay.

8 MR. MAYNARD: You can't tell us what he said.

9 THE WITNESS: Okay. This is kind of hard.

10 BY MR. MAYNARD:

11 Q But you did have telephone conversations with him?

12 A Yeah.

13 Q Did you tell him to cooperate or not to cooperate with the
14 FBI?

15 A Well, as far as when you say "cooperate," because I know
16 how the FBI thinks, they think when you say "cooperate," they
17 want you to talk to them.

18 And I told him not to talk to them because I thought
19 it was in his best interests. And I said you don't know
20 anything. I knew he didn't know anything because he wasn't
21 there.

22 So I just basically told him that you shouldn't talk
23 to them. Because if you do talk to them, I said, all they
24 going to do is start badgering you and asking you questions
25 inside of questions, all sorts of ways, it's just going to be

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 annoying. I said so your best bet is just to be quiet and not
2 say nothing to them.

3 MR. MAYNARD: Okay. Just a minute, Your Honor.

4 I don't have any further questions.

5 THE COURT: Ms. Brook.

6 MS. BROOK: Thank you, Your Honor.

7 **CROSS EXAMINATION**

8 BY MS. BROOK:

9 Q Good morning.

10 A Good morning.

11 Q Sir, you have been Muslim for how many years?

12 A Twenty-one, I believe.

13 Q Twenty-one?

14 A Uh-huh.

15 Q And while you have been living in Phoenix over the past
16 few years at least, which mosque do you go to?

17 A Actually, I have changed. I go to 23rd Avenue and
18 Thunderbird.

19 Q 23rd Avenue and Thunderbird?

20 A Uh-huh.

21 Q And that's the mosque you go to?

22 A Uh-huh.

23 Q And you're a practicing Muslim?

24 A Uh-huh.

25 Q And so Jumu'ah on Friday is important?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Well, yeah, pretty much.

2 Q And by "important," that means you go to Jumu'ah on Friday
3 in order to pray as part of your practice?

4 A Yeah.

5 Q You would agree with me that at least over the last couple
6 of years Malik has been closer to Ibrahim than you have been?

7 A Probably, yeah.

8 Q And you have only been over to Ibrahim and Nadir's house
9 once in the apartment that they lived in together there on
10 19th Avenue?

11 A No. Actually, when I think about it, it has been twice.
12 Not once, twice. One time I went there. And the second time
13 I went there for like maybe, I think, like 20 minutes.
14 Something like that.

15 Q And the other time?

16 A About 20 minutes.

17 Q Was what?

18 A Twenty minutes.

19 Q Twenty minutes. So once 20 minutes and the other time how
20 long?

21 A For a couple hours.

22 Q You remember talking to FBI in their investigation in this
23 particular case and you talked to them on a number of
24 different occasions, right?

25 A Uh-huh.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And you talked to Special Agent Robert Byrne?

2 A Uh-huh.

3 Q Correct?

4 A Uh-huh.

5 THE COURT: Is that "yes"?

6 THE WITNESS: Yes. I'm sorry.

7 THE COURT: Thank you.

8 BY MS. BROOK:

9 Q Do you remember when he first asked you how many times you
10 had been to Simpson and Soofi's house and you said "never"?

11 A Now that I think about it, that may have been a mistake,
12 it may have been an error. And I just was irritated with them
13 at the time. I was just like, yeah, never.

14 And I thought about it after -- after they left. I
15 was like, no, I think I might have made a mistake, so.

16 Q And, in fact, that first time you said, oh, well maybe one
17 time four months before the attack that you had gone to
18 Simpson and Soofi's house, correct?

19 A Say that again?

20 Q So after you initially said "never," then you said "I had
21 been there one time to Simpson and Soofi's house four months
22 before the attack," correct?

23 A I'm not sure. I can't remember.

24 Q Does that sound accurate?

25 A I said I'm not sure. I can't remember, so.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: Well, is it -- whether you told them that
2 or not, is that your best recollection today that the time
3 that you --

4 THE WITNESS: That's the thing. I can't remember.

5 So I don't want to say "yes" and I don't want to say "no" if I
6 can't remember. I don't remember.

7 BY MS. BROOK:

8 Q And your memory today is that you were over at their
9 apartment two times?

10 A I'm pretty sure it was two times. I can't say how many --
11 I can't say when exactly, but I can say it was probably been
12 about two times.

13 Q Ibrahim, too, would rarely come over to visit and spend
14 time at your house, correct?

15 A Right.

16 Q And mostly when he did come over to your house, you would
17 talk to him outside?

18 A No. He used to sit in my living room and talk to me.

19 Q Is that something that happened often?

20 A Yeah. I guess you could say sometimes. Sometimes.
21 Sometimes outside. Sometimes inside.

22 Q And when you would sit in your living room, he would sit
23 there with your kids as well, right?

24 A No. He would not sit there with my kids as well.

25 Q So your kids were never in the same room when you would

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 sit there with Ibrahim and talk?

2 A Well, I mean, common sense --

3 Q Just "yes" or "no."

4 Were your kids ever in the same room when you would
5 sit there with Ibrahim and talk in your house?

6 A Well, if he's walking -- if they were walking through,
7 yeah, they would be in the same room but they wouldn't just be
8 hanging around just to hang around because we were adults.

9 They stayed out. So, no.

10 Q On the Friday before the attack, you testified that
11 Simpson came over to your house that evening. Was it about
12 nine o'clock?

13 A Yeah.

14 Q And you were upset that he had come over that night,
15 right?

16 A Yeah. I was a little upset, yeah.

17 Q You were also upset at Jazmin, your daughter, for letting
18 him know -- letting her know that you were home when he came
19 over that night?

20 A Yeah.

21 Q And you took him outside to talk, correct?

22 A Yeah. Well, him and I were outside my house, so I came
23 out -- I came outside and I stood there by the door and talked
24 to him.

25 Q Earlier that day you testified that you went downtown to

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 come to the courthouse, correct?

2 A Uh-huh.

3 THE COURT: Yes?

4 THE WITNESS: Yes.

5 BY MS. BROOK:

6 Q And you, in fact, did come to the courthouse, correct?

7 A Yeah. I went to the courthouse, yeah.

8 Q So was there a purpose for you being at the courthouse
9 that day?

10 A I can't remember why I went to the courthouse. I just
11 know I went to the courthouse. I can't remember what reason I
12 went there but I remember going there.

13 Q So you had to get a bus, correct, because you don't drive
14 yourself?

15 A Well, I drive now, but at the time I didn't have a car.

16 Q Okay. So back then you had to take a bus and come down to
17 the courthouse that morning?

18 A Right.

19 Q And how often do you come down to the courthouse?

20 A I don't know.

21 Q So you had to pick a bus route and figure out your route
22 downtown to get here to the courthouse, correct?

23 A Yeah.

24 Q And you did come down?

25 A Uh-huh.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And that day you testified that you did not go to Jumu'ah
2 at your mosque that you usually always go to Jumu'ah at,
3 correct?

4 A Right.

5 Q Instead, you looked for a different mosque that day?

6 A I looked for a different mosque that day because I was
7 downtown and I was running out of time. So I was looking for
8 a different mosque to go to so I could go pray and that was
9 that.

10 Q So you were downtown for something at the courthouse that
11 you can't remember. And then you decided to look for a mosque
12 that you have not ever gone to before to attend that day?

13 A Correct that. I have gone to the mosque before. I just
14 forgot where it was.

15 Q So you didn't make it to that different mosque on that
16 Friday?

17 A I did not.

18 Q You have heard because defense counsel has asked you about
19 a list that was given to your son on that Friday by Ibrahim,
20 correct?

21 A Right.

22 Q And is it your testimony here today that you weren't at
23 the house that day when the list was given to your son?

24 A No. Say it again?

25 Q Is it your testimony that you were not there at your house

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 that day when Ibrahim wrote out and gave a list to your son?

2 A Right. No, I wasn't there then.

3 Q On that Friday, so the Friday before the attack, Ibrahim
4 texted you two times that day, correct?

5 A I believe so.

6 Q And you, after Ibrahim was killed, deleted those text
7 messages, correct?

8 A Right.

9 Q In fact, you went through and deleted your entire contact
10 history with Ibrahim after you found out he was killed,
11 correct?

12 A Right. Right.

13 Q And you met with the FBI on May 6th, correct?

14 A I don't remember what day, so like I said, when you start
15 talking about dates, I don't remember. I just remember I met
16 with them.

17 Q If you can take a look at the first sentence on the
18 overhead on that screen right there in front of you and see if
19 that doesn't refresh your recollection about the day that you
20 talked to the FBI first.

21 A What am I looking for again?

22 Q The date.

23 A Okay. Then apparently I must have.

24 Q Okay. So you would agree with me that it was on May
25 6th -- I'm sorry -- yes, on May 6th of 2015 that you sat down

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 and talked to the FBI the first time?

2 A Yeah.

3 Q And on that day you told the FBI that immediately after
4 you learned Ibrahim was killed, you deleted your entire
5 contact history and all of your text messages with him,
6 correct?

7 A Uh-huh. Yes.

8 Q Sir, do you know your phone number offhand?

9 A Yeah.

10 Q What is it?

11 A 480-479-5114.

12 Q Back in May, so on May 3rd of 2015, was your phone number,
13 in fact, 480-432-1637?

14 A Yeah.

15 Q And let me take a second, because back in May, your last
16 name was Hyman, correct?

17 A No. It was not.

18 Q You were referred to as Abdul Khabir Hyman, correct?

19 A Right.

20 Q Okay. And now you changed your name and you're going by
21 "Waseem"; is that correct?

22 A No. Wahid. I changed my name back in 2013.

23 Q But only recently decided to change how you introduce
24 yourself or how people greet you?

25 A That's not true. That's not true. No. They apparently

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 had my name as Hyman, so I let them call me Hyman. Simple as
2 that.

3 THE COURT: Wait. Who is the "they" you are
4 referring to?

5 THE WITNESS: The FBI.

6 THE COURT: The FBI. Okay. Thank you.

7 BY MS. BROOK:

8 Q And your friends call you "AK," correct?

9 A Yeah.

10 Q So when the FBI asked you your name and you said to them
11 my name is Abdul Khabir Hyman -- well, you would agree with me
12 that's what you introduced yourself as?

13 A No, he didn't ask me my name. He didn't ask me: Is my
14 name Abdul Khabir Hyman. I don't believe he did.

15 Q You don't believe he did?

16 A He did not.

17 Q Let's talk about May 3rd. Putting on the overhead what's
18 already been admitted as Government's Exhibit No. 479, which
19 are the call -- or I'm sorry -- the text history messages from
20 Abdul Malik Abdul Kareem's phone.

21 And I want to focus in on these two messages. So
22 we're going to start off here. So you would agree with me
23 back then that your phone number was 480-432-1637, correct?

24 A I believe so, yeah.

25 Q And you received a text message at 9:45 p.m. Arizona time

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 from Malik stating:

2 "Salaam walaikum unblock my number."

3 Correct?

4 A Salaam walaikum.

5 Q Salaam walaikum unblock my number.

6 A Uh-huh.

7 Q Followed by the next text message there at 9:45 p.m.

8 saying:

9 "Very important I want to talk to you about

10 something."

11 A Uh-huh.

12 Q Correct? You agree with me those are the two text
13 messages you received from the defendant at 9:45 there on
14 Sunday evening, May 3rd?

15 A I assume so. I don't remember, but I assume so.

16 Q Looking at it, does it jog your memory?

17 A I think so. I'm not sure.

18 Q And let's walk it through a little bit.

19 So "unblock my number." At that point in time you
20 had Malik's number blocked on your phone so that you couldn't
21 receive messages?

22 A I don't think so. I think he just thought it was blocked.

23 Q Sorry?

24 A I don't think so. I think he just thought it was blocked.

25 Q Okay. So you purposefully hadn't blocked his number from

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 your phone?

2 A Say that again?

3 Q You purposefully had not blocked his phone number on your
4 phone?

5 A Yeah. I believe so.

6 Q You think you had?

7 A No. I'm saying he probably thought it was blocked
8 probably because I wasn't answering him.

9 Q Okay. Because he called you.

10 A Maybe. I don't know.

11 Q Well, then why would you think that he had -- thought that
12 you blocked his number?

13 A Because it's right here.

14 Q So you think you missed phone calls from him that predated
15 that particular text message?

16 A Say that again?

17 Q You think you missed some phone calls from him before that
18 text message came in?

19 A I don't know. I guess. I assume so.

20 Q You testified earlier that when Malik showed up at your
21 door, you then went to Ibrahim and Nadir's apartment before
22 going to his father's house, correct?

23 A Right.

24 Q Now, you have sat down on multiple occasions and talked to
25 the FBI, correct?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Right.

2 Q And in May and June when you sat down and talked to the
3 FBI, you told them that you went directly to Ibrahim's dad's
4 house to talk to him about Ibrahim being dead?

5 A I don't think I told them that. I think I told them I
6 went to the apartment first and then we went to his dad's
7 house.

8 Q Okay. So you're saying you did not tell the FBI that in
9 your May and June interview?

10 A I'm not sure. I'm saying -- I believe that I could have
11 sworn I told them that we went to Ibrahim's apartment. Then
12 we left over to his dad's house.

13 Q Okay. And you know that those interviews were all
14 recorded, correct?

15 A What interviews?

16 Q The interviews you had with the FBI --

17 A I'm aware now that they were, yeah.

18 Q On May 6th and June 10th?

19 A Uh-huh.

20 Q Okay. Defense counsel asked you --

21 THE COURT: Excuse me, Ms. Brook. We're going to
22 take our morning break.

23 Ladies and gentlemen, we'll reconvene at 10:35.

24 You are reminded of the admonition not to discuss the
25 case or form any conclusions about it until you have heard all

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 the evidence and begun your deliberations.

2 Court is in recess until 10:35.

3 (Recess taken at 10:17 a.m.; resumed at 10:34 a.m.)

4 THE COURT: Thank you, ladies and gentlemen. Please
5 sit down.

6 The record will show the presence of the jury,
7 counsel, and the defendant. Ms. Brook, you may continue your
8 cross-examination.

9 MS. BROOK: Thank you, Your Honor.

10 **CROSS EXAMINATION (cont'd)**

11 BY MS. BROOK:

12 Q Thank you, Your Honor.

13 Putting back on the overhead 479, the text records
14 that we have been looking at from the defendant's phone.

15 You received Ali Soofi's phone number from Malik,
16 correct?

17 A Say it again?

18 Q You received Ali Soofi's phone number from Malik, correct?

19 THE COURT: Why don't you put your finger on the one
20 you want him to look at.

21 MS. BROOK: Sure.

22 BY MS. BROOK:

23 Q So looking here, your phone number, your name, on May 4th
24 of 2015 at 3:31 p.m., you received Ali's phone number,
25 602-446-9730, correct?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Okay. Yes. Yeah.

2 Q And Malik texted that to you?

3 A Uh-huh.

4 Q And you can see that just before here, about 25 minutes
5 earlier, you had texted Malik to say:

6 Would you just send me the dang number already.

7 Correct?

8 A Yeah. I guess. Yeah.

9 Q You had told Malik that --

10 THE COURT: Excuse me. Did you answer?

11 THE WITNESS: Yes.

12 THE COURT: Thank you.

13 BY MS. BROOK:

14 Q You had told Malik that you would call Ali Soofi and tell
15 him not to talk to the FBI, correct?

16 A Say that again?

17 Q You had told Malik that you would call Ali Soofi and tell
18 him not to talk to the FBI, correct?

19 A I may have. I don't know. I don't remember.

20 Q It sounds like something you would have said to Malik?

21 A Probably.

22 Q And, in fact, you did call and tell Ali Soofi to not talk
23 to the FBI?

24 A Right.

25 Q And as you testified here earlier on direct, you knew that

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Ali Soofi himself had nothing to hide from the FBI, correct?

2 A Yeah.

3 Q But yet you still called and told him not to talk to the
4 FBI, correct? Just "yes" or "no."

5 A I can't answer that "yes" or "no."

6 Q You did, in fact, though call him to tell him not to talk
7 to the FBI?

8 A I guess I'd say no.

9 Q Say that again?

10 A I said I'd say no. I did tell him don't talk to the FBI.

11 Q Okay. Because you did tell Ali Soofi not to talk to the
12 FBI?

13 A Right. But not because he didn't have anything to hide,
14 because he didn't have anything to hide.

15 Q Just answer the question. You called and told him not to
16 talk to the FBI?

17 A Right. Yeah.

18 Q When defense counsel asked you questions about Ali Soofi
19 earlier on direct, you looked a little perturbed, a little
20 frustrated. Is that because you've come to learn that those
21 conversations that you had with Ali Soofi were, in fact,
22 recorded conversations?

23 A Yeah, pretty much, yeah.

24 Q And that would include those conversations where you told
25 Ali Soofi to not talk to FBI, right?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Right. Right.

2 Q Defense counsel asked you about a time where you drove
3 with Malik to a parking lot and he purchased a gun?

4 A Uh-huh.

5 Q And you remembered that you were in the car, correct?

6 A Right.

7 Q And Ibrahim was in the car with you too, correct?

8 A Right.

9 Q Was that in December of 2014? December before the attack?

10 A I don't remember the date. I'm not going to lie to you.
11 I don't remember the date. I just know it was at night.

12 Q Defense counsel asked you about some videos that Ibrahim
13 showed you, in particular, one with a man who was burned alive
14 in a cage?

15 A Yeah.

16 Q And what did Ibrahim show that video to you on?

17 A His phone.

18 Q And where were you when Ibrahim showed you that video?

19 A In my house.

20 Q And was Nurse there?

21 A No.

22 Q Was Malik there?

23 A Nope.

24 Q You mentioned another video that Ibrahim showed you, one
25 where a man was being beheaded.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Right.

2 Q Is that "yes"?

3 A Yes.

4 Q What did he show you that video on?

5 A His phone.

6 Q And where were you when he showed you the video of the man
7 being beheaded on his phone?

8 A In my house.

9 Q And was Nurse there?

10 A No.

11 Q Was Malik there?

12 A Nope.

13 Q You mentioned a third video as well that Ibrahim showed
14 you. What did he show you that video on?

15 A That video was the one where the guy was being thrown from
16 a building.

17 Q What did he show you that on?

18 A Oh. On his phone.

19 Q His phone as well?

20 A Uh-huh.

21 Q And, again, where were you when he showed you that video
22 on his phone?

23 A In my house.

24 Q Who was there?

25 A My kids were there, but they weren't in the room with us.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Anybody else?

2 A Nope.

3 Q Did he show you these three videos all on the same day or
4 different days?

5 A Different days.

6 Q You testified earlier that in the months before the attack
7 Ibrahim had told you about his plan to attack a U.S. Marine
8 base.

9 A Uh-huh.

10 Q Is that "yes"?

11 A Yes. Sorry.

12 Q Malik also told you about Simpson's plan to attack a
13 Marine base.

14 A I think so. I'm not sure. I think he did.

15 Q Yes?

16 A Yes.

17 Q And, in fact, Malik told you that Simpson and Soofi
18 together were going to attack a Marine base; is that true?

19 A I believe so, yeah.

20 Q And Malik went on to tell you that Simpson and Soofi must
21 want to die.

22 A I'm not sure. I think so, but I'm not sure.

23 Q Does it sound like what you recall him saying?

24 A I think so.

25 Q And in that conversation you didn't tell him that you had

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 heard from Ibrahim about that plan too?

2 A Say that again?

3 Q You didn't tell Malik that you had heard about that plan
4 from Ibrahim?

5 A I think I may have mentioned it to him.

6 Q Now, you didn't tell Malik about what Ibrahim had told you
7 about the plan to attack the U.S. Marine base?

8 A As I said, I think we discussed it. I'm almost sure we
9 may have talked about it, yeah.

10 Q Malik told you that Ibrahim and Nadir had this plan before
11 the Garland attack, correct?

12 A I believe so.

13 Q Is that a "yes"?

14 A Yes.

15 Q Defense counsel asked you some questions about a search
16 warrant that was conducted on your house on June 10th of 2015.

17 A Uh-huh.

18 Q Yes?

19 A Yes.

20 Q You, yourself, don't keep a Twitter account?

21 A No.

22 Q And you yourself don't have a Facebook account?

23 A I have a Facebook. As of now I have a Facebook, yeah.

24 Q You now have a Facebook account but back then you did not?

25 A Uh-huh.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Is that true?

2 A Say that again?

3 Q So back when the search warrant was conducted back in
4 June, you did not have a Facebook account?

5 A Yeah, I had a Facebook account.

6 Q So your testimony now is that now you have a Facebook
7 account?

8 A Yeah.

9 Q Or that you all along have had a Facebook account?

10 A I have a Facebook account.

11 Q Is that an account you use?

12 A Yeah. Sometimes I go on it.

13 Q I'm sorry. I couldn't hear you.

14 A I said sometimes I go on it.

15 Q Sometimes you go on it?

16 A Yeah.

17 Q And how often do you think that would be?

18 A I don't know. I go on it, like, I mean, I do more looking
19 at it than I actually go on it. Like, I might go just to read
20 what people say and I might be on it two or three times a day.

21 Q So you yourself don't post things on your Facebook
22 account?

23 A Yeah. I don't really post. I kind of, like, other things
24 that people say, I kind of like share that but I don't post.

25 Q You knew that Malik, Simpson, and Soofi went shooting

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 together in the desert, correct?

2 A I believe so, I think, yeah.

3 Q Yes, you knew that?

4 A Uh-huh.

5 Q To go back for a moment, I asked you about the time that
6 Malik told you that Simpson and Soofi were planning to attack
7 a Marine base.

8 A Uh-huh.

9 Q You testified that, in fact, he had told you that?

10 A Yeah. I believe so, yeah.

11 Q And, obviously, that happened -- that conversation
12 happened where Malik told you that before the Garland attack?

13 A Yeah.

14 Q Defense counsel asked you about going to dinner or out to
15 a meal at some point that day after going to the T-Mobile
16 store with Malik and Ibrahim in April.

17 THE COURT: Actually, I think he said it the other
18 way around. That they went out to eat. Afterwards, they went
19 to the T-Mobile.

20 THE WITNESS: Right.

21 BY MS. BROOK:

22 Q So you went out to eat first?

23 A Right.

24 Q And when you went out to eat, did you go to the Khyber
25 Halal Restaurant?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A The who?

2 Q The Khyber Halal Restaurant?

3 A I can't remember the name of the restaurant, so when you
4 say names and dates, I don't remember.

5 THE COURT: That's the Afghani restaurant or it is an
6 Afghani restaurant.

7 THE WITNESS: See, I think we went to an Afghani
8 restaurant, but I don't think we went to the one we usually go
9 to. And when she mentions the name, I don't know. I would
10 just be going, so I don't know what the name of the place is.

11 MS. BROOK: Hang on just one second.

12 BY MS. BROOK:

13 Q Putting on the overhead a photo which has already been
14 admitted. It's Exhibit No. 474.

15 A Okay. I recognize that restaurant.

16 Q Is that the Khyber Halal Restaurant?

17 A I can't say the name of it because I don't know the name
18 of it.

19 THE COURT: Okay. Could I ask you to speak into the
20 microphone.

21 THE WITNESS: Oh. It's definitely an Afghani
22 restaurant, yeah.

23 THE COURT: Is that the one that you said you usually
24 went to?

25 THE WITNESS: That's the one we would usually go to,

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 yeah.

2 BY MS. BROOK:

3 Q Okay. And you, usually, that would be Malik as well as
4 Ibrahim?

5 A Yeah.

6 Q You also testified when talking to defense counsel about
7 going over to the -- to Malik's house on Cochise?

8 A Uh-huh.

9 Q And that's a place --

10 A Yes.

11 Q That's a place that would you go to regularly?

12 A Yes.

13 THE COURT: Let me interrupt you for just one moment.
14 474 is not admitted. What's admitted is 475, which I
15 think is another picture of the inside of that same
16 restaurant.

17 MS. BROOK: One with table clothes. One without.

18 BY MS. BROOK:

19 Q Putting on the overhead what has been admitted as 475.

20 And so let's just rewind for a moment when you were
21 talking about the Afghani restaurant that you would go to with
22 Malik and Ibrahim, does this look like that restaurant that
23 you were talking about?

24 A Yes.

25 Q I was asking you a moment ago about the defendant's home,

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 about Malik's home on Cochise.

2 A Right.

3 Q And you have testified that you have been there numerous
4 times.

5 A Right.

6 Q And you know that he moved out of that home about a
7 month-and-a-half before Ibrahim died, correct?

8 A Yes.

9 Q I'm going to place on the overhead a photograph No. 603.

10 And, actually, Your Honor, may I approach to have the
11 clerk give him a copy of it. With the glare it's tough to
12 see?

13 THE COURT: Yes.

14 BY MS. BROOK:

15 Q If you can take a look at that photo and you can take it
16 out of the envelope and open it up and look at that picture.
17 So the yellow page is just a cover sheet. So that it's just
18 the picture itself.

19 A Okay. Right.

20 Q Okay. Do you recognize that room?

21 And, sir, I think it might be easier -- there's glare
22 and reflection on the picture on the screen itself. But if
23 you look at the hard copy in front of you, it doesn't have the
24 glare on it.

25 A Yeah. I recognize it. I recognize it.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And that photo was from the inside of --

2 A Cochise.

3 Q The Cochise house?

4 A Right. Yeah.

5 Q Malik's Cochise house?

6 A Uh-huh. Yes.

7 Q And who do you see in that photo?

8 A Ibrahim.

9 MS. BROOK: Your Honor, the government moves to admit
10 and publish 603.

11 MR. MAYNARD: Objection. Lack of foundation. I
12 don't know when it was taken and I don't know who took it. I
13 mean --

14 Lack of foundation.

15 THE COURT: The objection is overruled. 603 is
16 admitted.

17 (Exhibit No. 603 admitted in evidence.)

18 MS. BROOK: May I have one moment?

19 THE COURT: Yes.

20 MS. BROOK: Your Honor, I have no further questions.

21 THE COURT: Mr. Maynard?

22 **REDIRECT EXAMINATION**

23 BY MR. MAYNARD:

24 Q A couple of questions.

25 We looked at the photograph of the Afghani

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 restaurant.

2 A Uh-huh.

3 Q Do you have any idea over the past year or the year prior
4 to Mr. Simpson dying how many times you have been in that
5 restaurant?

6 A Hum. Not very many. I'd say maybe -- I mean -- you say
7 within the last two years? Probably about maybe less than
8 five times.

9 Q Okay. Do you recall what Mr. Simpson would eat when he
10 would go in that particular restaurant?

11 A I'm not sure. I think he liked -- I'm not sure. I think
12 he liked cheeseburgers. I'm not sure.

13 Q Do you recall whether or not you went in that restaurant
14 the day that you ended up going to the T-Mobile store?

15 A I'm not sure if we went to that one or we went to a
16 different one because there's another Afghani restaurant
17 that's like a little farther north. And I'm not sure if we
18 went to that one or the other one.

19 Q All right. You never went shooting with Simpson and Soofi
20 and Abdul Malik, correct?

21 A Never.

22 Q Were you aware -- you said you were aware they did go
23 shooting?

24 A Right.

25 Q At least one time?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Right.

2 Q How did you become aware of that?

3 A I can't remember. I'm not sure. I think Abdul Malik may
4 have told me. I don't remember how, but I do know that they
5 went out shooting.

6 Q Okay. Did -- you apparently called Ali Soofi on May 4th
7 or thereabouts, correct?

8 A Yes.

9 Q It looks like you were trying to get his phone number from
10 Abdul Malik?

11 A Yes.

12 Q Okay. Was your purpose at that time to tell him not to
13 talk to the FBI or was there another --

14 MS. BROOK: Objection. Leading.

15 THE COURT: Sustained.

16 BY MR. MAYNARD:

17 Q What was your purpose in calling Ali Soofi on that
18 particular day?

19 A My purpose, actually, was, if I remember correctly, I knew
20 that since he was Nadir's brother, that most likely the FBI
21 will come hunting him down and harass him as far as I was
22 concerned. And so I called him up because he -- when I talked
23 to him, he immediately started telling me how --

24 MS. BROOK: Objection. Hearsay.

25 THE COURT: Sustained. Please ask a different

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 question.

2 MR. MAYNARD: You can't tell us what somebody else
3 says.

4 THE WITNESS: Okay.

5 BY MR. MAYNARD:

6 Q What was your purpose in calling him?

7 A Oh. It was just to make sure, basically, that he protect
8 himself because I figured they would come after him.

9 Q You testified on cross-examination concerning the
10 telephone text messages you got from Abdul Malik --

11 A Uh-huh.

12 Q -- the evening that he came to your house.

13 Were you two having a spat at the time?

14 MS. BROOK: Objection. Beyond the scope.

15 THE COURT: Overruled. You may answer.

16 THE WITNESS: Um, at the time I can't remember why.
17 I guess because I was always kind of mad at Abdul Malik. So
18 at this particular time I may have been still a little angry
19 with him.

20 BY MR. MAYNARD:

21 Q Were there times when he would call you and you wouldn't
22 answer the phone calls?

23 A Oh, yeah.

24 MR. MAYNARD: Just a second, Your Honor.

25 BY MR. MAYNARD:

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q What were the kinds of things that you were angry at Abdul
2 Malik about that you wouldn't answer his phone calls?

3 MS. BROOK: Objection. Relevance.

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: I don't know. He was famous for, like,
6 supposed to come pick me up and he don't pick me up. And I
7 would be heated about it, angry about it, because, you know,
8 like he was supposed to show up. Show up.

9 If you're a man of your word, show up. But he was
10 always so busy doing something else, he would either forgot or
11 whatever. And so it just infuriated me, so I just like didn't
12 want to talk to him, you know.

13 MR. MAYNARD: I don't have any further questions,
14 Your Honor.

15 THE COURT: May Mr. Wahid be excused as a witness?

16 MR. MAYNARD: Yes.

17 THE COURT: Is there any objection, Ms. Brook?

18 MS. BROOK: No, Your Honor.

19 THE COURT: Thank you, sir. You may step down and
20 you are excused.

21 MR. MAYNARD: The defense would call Deedra Abboud.

22 THE CLERK: Please state your name for the record,
23 spelling your first and last name.

24 THE WITNESS: Deedra Abboud. D-E-E-D-R-A. Abboud.

25 A-B-B-O-U-D.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 **(Witness duly sworn)**

2 THE COURT: You may proceed, Mr. Maynard.

3 MR. MAYNARD: Thank you, Your Honor.

4 **DEEDRA ABOUD, WITNESS, SWORN**5 **DIRECT EXAMINATION**

6 BY MR. MAYNARD:

7 Q Would you introduce yourself to the jury, please.

8 A My name is Deedra Abboud.

9 Q And where do you live?

10 A In Scottsdale, Arizona.

11 Q And how long have you been living in Arizona?

12 A Since '98.

13 Q And how are you currently employed?

14 A I'm an attorney.

15 Q What kind of practice do you have?

16 A I do estate planning, wills, trusts.

17 Q Do you do any criminal law?

18 A No, I don't.

19 Q You are a Muslim?

20 A Yes, I am.

21 Q And when did you convert to Islam?

22 A In 1998.

23 Q Where were you born and raised?

24 A Arkansas. I was born in Pine Bluff. I was raised in
25 Little Rock in Bryant.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Where did you go to college?

2 A I went to the University of Arkansas. I went to the
3 University of Phoenix. And I went to Phoenix School of Law,
4 now Summit Law School.

5 Q After you got out of college -- or when did you get out of
6 college?

7 A Which one?

8 Q How about your undergraduate degree?

9 A I graduated -- the latest was the University of Phoenix in
10 2009.

11 Q Okay. What years did you attend the University of
12 Arkansas?

13 A 1990 to 1996.

14 Q And when was it that you actually ended up moving to
15 Phoenix?

16 A 1998.

17 Q Was there something in particular that brought you to
18 Phoenix?

19 A I worked in Arkansas for a collection company. I was a
20 collector and skip tracer. And I had a lot of vacation time
21 saved up that I was going to lose if I didn't use it within
22 the year.

23 My mom was coming to Arizona for a conference. I had
24 never been to Arizona and I had vacation time that I needed to
25 use, so I came with her. It was March of '98. I came in

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 shorts and T-shirts -- I wasn't Muslim then -- because it was
2 desert and supposed to be hot. It was 40 degrees and rained
3 four out of five days, so I had to go to Walmart and buy
4 warmups.

5 But I just fell in love with it. Everybody said
6 that's not the weather of Arizona, which is good. I like hot
7 weather. But it was -- I just loved the scenery. I loved the
8 people. And I decided that I would immediately move here.

9 So I went back to Arkansas and turned in several
10 months' notice and moved here on August 3rd, 1998.

11 Q What did your mother do at that time back in Arkansas?

12 A My mother was -- at that time she was a federal
13 investigator for the Public Defender's Office, the Federal
14 Public Defender's Office.

15 Q Is your mother still employed today?

16 A Yes.

17 Q And what does she do today?

18 A She works at a jail in Texas. She's a correctional
19 officer.

20 Q Okay. At some point you moved to Phoenix. And do you
21 convert to Islam out here in Phoenix?

22 A I did. I converted -- I moved here in August 1998. I
23 converted on November 15th, 1998.

24 Q Did you become active in community affairs in the Muslim
25 Community or the Islamic Community?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A I became active in July of 2001.

2 Q How did that come about? What caused you to get active?

3 A I studied Islam -- I mean, I didn't randomly decide to
4 become Muslim. I had studied it for about ten years.

5 It wasn't until after I became -- after I moved to
6 Arizona that I decided I wanted to convert to Islam. And then
7 I spent that time really studying it. I wanted to know pretty
8 much everything I needed to know. I'm very much a "why"
9 person. I don't take "just because" very well.

10 And then in July, 2001, a local organization wanted
11 to -- or a national organization wanted to create a local
12 chapter and they called a meeting of community members who
13 might want to be interested. And I came forward and became
14 the Board Secretary in creating this organization.

15 Q What was the name of the organization?

16 A The Council on American Islamic Relations of Arizona.

17 Q And is that referred to as CAIR?

18 A Yes. C-A-I-R. CAIR.

19 Q What does CAIR do?

20 A CAIR is a civil rights organization and a community
21 advocacy organization. So the two major components of it is,
22 one, to educate people about Muslims and Islam; and two, is to
23 work with Muslims who have -- who feel that they have been
24 discriminated against to mediate with law enforcement or
25 employers or schools to try to resolve the matter.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 The two things come together because the more
2 educated people are on how normal Muslims are, then the less
3 discrimination you may have.

4 Q How long did you work with CAIR?

5 A I worked for CAIR -- I was on the Board from 2001 July
6 until December -- or until January 2002. In February 2002 I
7 became the Executive Director and I continued until February
8 of 2005.

9 Q During the time that you were the Executive Director, did
10 you have interactions with law enforcement in Arizona?

11 A Yes. Law enforcement, both local and federal level of the
12 FBI, was very important. For example, for their local law
13 enforcement, we created the Phoenix -- the Muslim Phoenix --
14 the Phoenix Muslim Police Advisory Board which was a
15 communication avenue.

16 So that the Muslims within leadership, whether it was
17 the mosques or organizations, could meet quarterly with law
18 enforcement representatives so that there would be a direct
19 line of communication.

20 If law enforcement needed to get information to the
21 Muslim Community, they knew someone to call. And if the
22 Muslims needed to get information to the law enforcement
23 community, they knew someone to call.

24 We all had the same thing. We had a liaison with the
25 FBI where we did the same thing. And now the Phoenix -- the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Muslim -- the Phoenix Muslim Advisory Board is now the
2 Maricopa County Muslim Advisory Board. So it actually
3 includes all of the law enforcements in Maricopa County.

4 We meet quarterly. The next one is tomorrow and it's
5 in Maricopa. So it changes. Different law enforcement
6 agencies host it or different organizations host it every
7 quarter.

8 Q And are you still a member of that particular advocacy
9 group?

10 A Yes -- the advocacy group or the law enforcement --

11 Q Let's go to the law enforcement.

12 Are you still a member of that law enforcement
13 organization?

14 A Yes. I still attend the meetings and network with the law
15 enforcement and the community members.

16 Q And they meet quarterly; is that correct?

17 A Yes.

18 Q Okay. How many members are on that?

19 A It's not a membership like an organization, so you're not
20 filling out a form. It's really about an interest of having
21 that communication and being the vehicle for that
22 communication.

23 So I think there is seven to ten law enforcement
24 agencies that participate. And the Muslims usually have
25 between 10 and 20. So we usually have a -- at least the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 mosque in the area, the immediate area where the meeting is
2 held, a lot of -- several mosques attend every time and then
3 the organizations usually attend every time.

4 Q Can you explain to the jury in a Islamic Community
5 centered around a mosque, how is it set up? What's the
6 structure?

7 A Okay. Well, within the Muslim Community, within the
8 mosque, there will be a board that takes care of the finances
9 and the fund raising and decides what the mosque is going to
10 provide.

11 Then you have the Imam who is the religious leader,
12 like a preacher or minister, who leads the prayers and does
13 the educational part.

14 Mosques, traditionally, have a membership, like a
15 formal membership, where people pay a fee and in exchange they
16 get to elect the board members. Not all mosques have
17 elections. Some mosques, their board is set, but you don't
18 have to be a member to attend the mosque.

19 And the vast majority of Muslims are not members,
20 like formal members of the mosque. Most Muslims attend
21 whatever mosque is convenient to them at the time.

22 So, for example, our day of prayer is Friday at
23 noon -- so around noon. So the -- you may have a mosque
24 that's closer to your home that you may go for events, but
25 because there's a different mosque closer to your work, you

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 will go to that mosque just to have the Friday prayer. It
2 lasts about an hour or less and then go back to work.

3 So the mosque attendance is very fluid of which
4 mosque you can go to.

5 Q And in some particular communities does the mosque also
6 have like preschools and educational services and things like
7 that?

8 A Yes. Very few mosques have like an Islamic school. We do
9 have a couple that do here in the Valley. Well, if you
10 include Tucson, we have about three; like formal education
11 Monday-through-Friday school. But most of the mosques have
12 weekend schools. So like a Sunday school, but it may or may
13 not be on Sunday. It's either going to be on Saturday or
14 Sunday where the kids can go and learn different things like
15 Sunday school. And then they have lectures for adults and
16 then they often have events. So they'll have special speakers
17 come in for special topics.

18 Q Do some of the mosques actually have community centers
19 where they may have basketball teams and social activities and
20 things of that nature?

21 A Most of the mosques here in the Valley do have -- they
22 either have a group that gets together and goes to another
23 place that has these facilities. And then some of the mosques
24 also have basketball or areas for soccer. A lot of them have
25 libraries so different kinds of books can be found and checked

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 out there.

2 They have Boy Scouts and Girl Scouts in the Valley.

3 Several soccer tournaments and volleyball
4 tournaments, so there are different physical activities as
5 well as social activities, and hopefully, leadership
6 activities such as the scouts.

7 Q And you've told us that you were the Director of CAIR for
8 some period of time. When did you stop being the Director of
9 CAIR here in Arizona?

10 A In February 2005.

11 Q And what did you do after you stopped being the Director
12 of CAIR?

13 A I started being the Director of the Muslim American
14 Society's Freedom Foundation in Arizona which was -- had a
15 similar -- actually, almost the same agenda was to work with
16 organizations on the civil rights and then also work with
17 victims of discrimination.

18 Q How long did you work with that organization?

19 A From March 2005 until March 2009.

20 Q And why did you leave that organization?

21 A I decided to go to law school in August of 2009.

22 Q Between the time period from 2001 when you go to work for
23 CAIR until March of 2009, what would you have called yourself
24 at that particular time? What was your employment?

25 A I was a community advocate or a community and civil rights

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 advocate for many people, not just Muslims.

2 We did a lot -- I did a lot of coalition work with a
3 lot of other communities; the Hispanic Community, the
4 African-American Community, the Asian Community on a lot of
5 differ issues that different people were facing.

6 And a lot of interfaith, both interfaith for
7 understanding and interfaith for activism. A lot of
8 legislative work with other Christian organizations, for
9 example, in Jewish organizations, trying to convince the
10 legislature of how important it was to make Arizona better and
11 not make decisions or laws that hurt any group of people.

12 Q So in 2009 you stepped down and you go to law school; is
13 that correct?

14 A Yes.

15 Q And when did you graduate from law school?

16 A 2012.

17 Q And you have been a practicing lawyer since then?

18 A I graduated in May of 2012. I went -- passed the bar.
19 Didn't find out I passed the bar until October of 2012, but
20 immediately got sworn in and began practicing.

21 Q Have you continued your community activities in the
22 Islamic Community since you have been a practicing lawyer?

23 A I have. Just to give you a little background, my
24 intention was actually to use my law degree to do more civil
25 rights work.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 And I'm a big believer in mediation and conversations
2 and seeing how we can work together to make things better.

3 And I found that after being an attorney that I was tripping
4 over my law degree. Because every time I would go and want to
5 talk to a business or an organization about an issue, for
6 example, kids in school, you know, being picked on or bullied,
7 the school or the business would eventually -- or immediately
8 send me to the Legal Department and wouldn't have a discussion
9 whatsoever.

10 So having a law degree was difficult unless I wanted
11 to sue which was not my agenda. So I stepped back and started
12 helping the organizations in the background of how to be
13 better advocates for the community.

14 So I made sure that I was always engrossed with what
15 was going on in the community so that I could teach others how
16 to be leaders.

17 Q So since you have graduated from law school until the
18 present day, do you still do community activism for the
19 Islamic Community?

20 A Yes.

21 Q And approximately how much of your time do you spend doing
22 that?

23 A Probably, about 25 percent of my time is physically
24 involved. Probably another almost 25 percent is making sure
25 that I'm aware of what's going on and studying up and I do

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 presentations on bullying, so I have to educate myself a lot
2 on the new techniques and the literature that's out there
3 about bullying and so that I can take that also into the
4 community.

5 So about 50 percent of my time is trying to help
6 strengthen the community and also help the community figure
7 out what their place is in the United States and how to
8 interact in that way.

9 Q You are aware that at some point there was a Muhammad
10 Drawing Contest that occurred in Garland, Texas?

11 A When -- once there was the shooting and the media started
12 calling me that morning like 5:00 a.m.

13 Q Had you ever heard of the Muhammad Drawing Contest prior
14 to the shooting occurring in Garland, Texas?

15 A No.

16 Q Had you -- you have indicated to us that there was this
17 coalition with law enforcement and Islamic -- or Islamic
18 activists and community members.

19 Do you talk in that coalition about possible issues
20 that may -- where there may be violence involved or anything
21 of that nature?

22 A It wasn't on the Community's radar. The activists and the
23 leadership didn't know anything about it. The mosques didn't
24 know anything about it. The law enforcement did not reach out
25 to us and let us know that there was a concern at all.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Even after it happened, the -- most of the Muslims
2 were confused. Even with the people involved being from
3 Arizona, the Muslims were very much caught off guard once the
4 media started reaching out to us that we had no idea that
5 there was -- that the cartoon contest was going on or that
6 Arizona was connected.

7 Q You said the media reached out to you.

8 How often does the media reach out to you as a
9 community activist?

10 A Not as much as I wish because usually it's when something
11 bad happens.

12 I wish that sometimes they would reach out to
13 Muslims, you know, to talk about other things like, you know,
14 school or parenting or any normal stuff. But pretty much any
15 time anything big happens in the United States that the local
16 media wants to report on that involves a Muslim, I usually get
17 a phone call.

18 Q Okay. And did you get phone calls after this event in
19 Garland, Texas, on May 3rd of 2015?

20 A Yes.

21 Q Okay. Did you know Elton Simpson?

22 A I have never met Elton Simpson.

23 Q Did you know of him?

24 A I knew of him, yes.

25 Q And how is it that you knew of him prior to the -- or did

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 you know of him prior to the Garland incident?

2 A I did know of him prior to the Garland incident. I knew
3 him when he got arrested by the FBI the first time for lying
4 to an agent when he was trying to go overseas. He was trying
5 to board a plane.

6 And while he was in jail, several members of the
7 Community who were friends with him or knew him wanted to help
8 him get bail, so they contacted me and I helped them figure
9 out how to maneuver the bail bondsmen system, how to contact a
10 bail bondsman, what the procedure was to get bail.

11 And then I knew of him a second time when his two
12 grandmothers had died in the same week and he found out at
13 that time he was -- even though he had already dispensed with
14 the legal issue, that he was still on the no-fly list and he
15 couldn't get off. And therefore, he couldn't go visit -- the
16 funerals of both of his grandmothers.

17 So the Community reached out to me again then to find
18 out what the procedure was for arguing about whether or not
19 you should be on the no-fly list and how you could argue to
20 try to get off or prove you shouldn't be on it.

21 Q But did you ever meet him at any time?

22 A I have never met him.

23 Q Did you know Nadir Soofi?

24 A No.

25 Q Now, are you familiar with an individual by the name of

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Anwar al-Awlaki?

2 A Yes.

3 Q How do you know who Anwar al-Awlaki is?

4 A When I first became Muslim, I had -- I believe one was a
5 gift and one I had purchased -- was the CDs that he created
6 Lives of the Prophets and the other series was The Hereafter.

7 I was familiar with him because I listened to his
8 lectures on those CDs and I often gave those CDs as gifts to
9 other people.

10 Q Are you aware of how Anwar al-Awlaki was killed?

11 A Yes.

12 Q And what is your understanding how he was killed?

13 A My understanding that he was killed in a drone strike in
14 Yemen.

15 Q Did that -- prior to his death, do you have an
16 understanding of whether members in the Islamic Community in
17 the United States routinely would listen to Anwar al-Awlaki?

18 A He was one of the most popular lecturers in the United
19 States prior to his leaving the United States and going to
20 Yemen at some point.

21 He was well received. Everyone looked up to him and
22 then very much enjoyed his lectures. Most Muslims --
23 especially converts -- but most Muslims owned at least one of
24 his series lectures. They were often given as gifts, as I
25 gave -- I received and gave them.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 People would go to -- I think he was in San Diego to
2 listen to him give lectures. He was very popular to be
3 invited to events for conferences where Muslims were going to
4 attend to listen to different presenters.

5 Q Prior to him leaving the states and going to Yemen, was he
6 considered to be a radical Islamic Imam?

7 A Actually, he was considered to be one of the most moderate
8 and one of the best lecturers to listen to for converts
9 because he spoke to living in the United States, not just
10 being in the United States; actually, being a participant in
11 society and contributing to society and embracing the society,
12 being a Muslim and following Islam but fully participating and
13 caring about the society around you.

14 Q Do you still have CDs of the lectures of Anwar al-Awlaki?

15 A I do.

16 Q You have not destroyed them after he was killed in a drone
17 strike?

18 A Nope.

19 Q Why not?

20 A The first time I heard that he died at a drone strike, I
21 just heard the name and I didn't even know he had left the
22 United States. And I was surprised. I thought surely this
23 isn't the al-Awlaki that I know. And so I looked it up and it
24 was and then I was just confused. But I didn't associate his
25 CDs and the message that was on his CDs with the fact that

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 something had happened and he was a very different person.

2 Some of the lectures that he made prior -- just prior
3 to the drone strike were radically different. I mean, that is
4 very different than the lectures that were on the CDs that I
5 had. But I did talk to a lot of people who told me, oh, they
6 got rid of them. And I said why. And they said, well,
7 because we don't want the FBI to come after us because we own
8 these CDs since he got killed as a terrorist.

9 Q As part of your community activism and being a lawyer, do
10 you ever advise Muslims on how they should interact with law
11 enforcement?

12 A I'm not alone in this, that most civil rights, regardless
13 of the community, will tell their community members that you
14 should never talk to law enforcement without an attorney
15 present.

16 And the reason why you should not do that is because,
17 basically, you have no witness to what was said. So usually
18 law enforcement comes in pairs and you are all alone. So if
19 law enforcement -- there's no recording. So if law
20 enforcement were to say that you said X, you said X, because
21 there's two of them and there's one of you.

22 So my position and the position of every civil rights
23 person, person who works on civil rights in the United States,
24 very clearly says that you should not talk to law enforcement
25 without someone there to protect your interests, i.e. an

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 attorney.

2 MR. MAYNARD: One moment, Your Honor.

3 I don't have any further questions.

4 THE COURT: Mr. Koehler?

5 **CROSS EXAMINATION**

6 BY MR. KOEHLER:

7 Q Good morning.

8 A Good morning.

9 Q In your time in your involvement with CAIR and so forth,
10 have you heard of another lecturer by the name of Sheikh
11 Faisal out of Jamaica?

12 A It doesn't ring a bell.

13 Q Okay. Did you ever listen to any of Anwar al-Awlaki's
14 lectures that occurred after he went to Yemen?

15 A Not until after he was killed and then that's how I knew
16 that they were very different than the original CDs that I
17 owned.

18 Q So you never heard his lecture called The Dust Will Never
19 Settle Down?

20 A If that's one of the lectures that he made after he left
21 the United States, no.

22 Q You never heard his lecture called The Brutality Toward
23 the Muslims?

24 A Like I said, I did not listen to any of his lectures after
25 he left the United States.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Same thing with Constants on the Path of Jihad; is that
2 correct?

3 A Correct.

4 Q And the rest of his lectures, same thing?

5 A If they occurred after he left the United States, I did
6 not listen to them.

7 Q In his lecture The Hereafter, in one of the CDs he makes
8 reference to the apocalypse, doesn't he?

9 A Yeah.

10 Q He talks about a battle between the Muslim faithful and
11 the Romans; is that right?

12 A Yes.

13 Q And he talks about a third of them will flee and a third
14 will stay and a third will die and so forth?

15 A Yes.

16 Q Is that correct?

17 A Uh-huh.

18 Q Are you familiar at all with the ISIS group that's
19 operating in the Middle East right now?

20 A Yes, I am.

21 Q Are you familiar with their attachment to things that
22 relate to Mr. al-Awlaki?

23 A They would only be attached to things that happened after
24 he left the United States so -- because the things that he
25 said here, clearly they're not following.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Are you familiar with where Mr. al-Awlaki said that the
2 final battle was going to take place in the hereafter?

3 A It doesn't come to mind, but I do know that the origin of
4 one of the battles are happening or supposed to happen at the
5 border of Syria and Iraq.

6 Q Right. In Dabiq and Ar-Raqqah, correct?

7 A Right.

8 Q Now, I'm going to show you what's marked for
9 identification as Exhibit 351 and it's in evidence.

10 Were you aware that Elton Simpson --

11 THE COURT: Would you pull it down a little bit
12 because number one is not showing.

13 There. That's good.

14 BY MR. KOEHLER:

15 Q I want to direct your attention to number two on the list
16 Imam Anwar al-Awlaki.

17 Were you aware that Elton Simpson gave this list to
18 another individual shortly before he left for Garland, Texas,
19 to conduct the attack?

20 A As I didn't know Elton Simpson, no.

21 Q I was asking if you were aware that this had happened
22 through other evidence in the case?

23 A No. I'm not familiar with the evidence of the case.

24 Q And are you familiar with any of the other names on this
25 list? Abu Baraa. Shaykh Abdullah Azzam. Sheikh Abu Mohammad

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 al Adnani. Amirul Mumineen. Abu Baker al-Baghdadi. Abu
2 Musab al Zarqawi and Shaykh Ahmed Jabril.

3 Are you familiar with any of those names?

4 A I'm familiar with Baghdadi and I'm familiar with Zarqawi
5 and I'm not sure about seven.

6 Q Okay. So tell me about the names you are familiar with.
7 Who are those people? Name them one at a time.

8 A Well, Baghdadi is the big guy in ISIS right now, the
9 leader, the one that they -- is leading everything in ISIS.
10 And Zarqawi was one of the leaders in al-Qa'ida.

11 Q And so would you agree that he included Anwar al-Awlaki on
12 a list of radical Islamists; is that correct?

13 A I would say that he included a list of people. I don't
14 know the other people, so I don't know if this is a list of
15 radical Islamists.

16 Q And two of the works of al-Awlaki that he made reference
17 to on this list were the Lives of the Prophets and The
18 Hereafter; is that correct?

19 A It appears so to me, yes.

20 Q Do you know when it was that Elton Simpson's grandmothers
21 had passed away?

22 A Well, it was definitely after 2010. And I know that they
23 both passed away in the same week. But, I'm sorry, I don't
24 remember more.

25 Q Was it more than a couple years ago?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Oh, yeah.

2 MR. KOEHLER: I have nothing further, Your Honor.

3 THE COURT: Mr. Maynard, questions on redirect?

4 **REDIRECT EXAMINATION**

5 BY MR. MAYNARD:

6 Q How do you know who Zarqawi is?

7 A Because my husband is from Iraq and so I usually know
8 what's going on in Iraq.

9 Q Okay. Do you also know because of the news media that
10 Zarqawi has generated over the years?

11 A Oh, yeah. I didn't mean that my husband doesn't know him.
12 No. I know it from the media and my husband is from Iraq, so
13 I tend to pay attention to the media of Iraq, yes.

14 Q And Abu Bakr al Baghdadi, you said he's the big guy for
15 ISIS. What did you mean by that?

16 A He's the name that is put around as the leader of ISIS.
17 And the only thing I know about him is how much my husband
18 cusses him. But he -- I just know that he is the leader of
19 ISIS.

20 Q Okay. Have you ever heard him referred to as the
21 Khilafah?

22 A I wouldn't be surprised.

23 I don't know that I specifically heard that, but I
24 could definitely see the term being used.

25 Q With him?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yeah.

2 Q You mentioned you were asked some questions about the city
3 of Dabiq and the apocalypse. Is that actually mentioned in
4 the Qur'an?

5 A Yeah. And it actually -- the Qur'an in the section that
6 talks about the end of times actually references the Bible and
7 agrees with a lot of the framework that the Bible has for
8 Revelations.

9 Q So when people talk about the end of time or the
10 apocalypse happening at Dabiq, that's something that has been
11 in the Qur'an since 600?

12 A Right. And it is also a specific point that the scholars,
13 the Muslim scholars around the world, have used to discredit
14 ISIS because the Qur'an actually says that the -- the
15 equivalent of the anti-christ, the nonmuslims who are going to
16 disparage Islam, are actually going to be created and form and
17 become powerful at that location.

18 So scholars have actually used the Qur'an to
19 discredit ISIS because of their location.

20 MR. MAYNARD: I don't have any further questions.

21 THE COURT: May this witness be excused, Mr. Maynard?

22 MR. MAYNARD: Yes.

23 THE COURT: Is there any objection, Mr. Koehler?

24 MR. KOEHLER: No, Your Honor.

25 THE COURT: Thank you, Ms. Abboud. You may step down

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 and you are excused as a witness.

2 You may call your next witness.

3 MR. MAYNARD: Defense calls Abdul Malik Abdul Kareem.

4 (Witness duly sworn)

5 THE CLERK: Please state your name for the record.

6 THE WITNESS: Abdul Malik Abdul Kareem.

7 THE COURT: Mr. Maynard, you may proceed.

8 MR. MAYNARD: Thank you.

9 **ABDUL MALIK ABDUL KAREEM, WITNESS, SWORN**

10 **DIRECT EXAMINATION**

11 BY MR. MAYNARD:

12 Q Would you introduce yourself to the jury.

13 A Abdul Malik Abdul Kareem.

14 Q Move the microphone an little bit closer.

15 THE COURT: Say your name again and see if it's a
16 little louder.

17 THE WITNESS: Abdul Malik Abdul Kareem.

18 THE COURT: Thank you.

19 BY MR. MAYNARD:

20 Q Have you ever gone by any other names?

21 A Yes. Decarus Thomas.

22 Q How old are you?

23 A Forty-four.

24 Q What is your birthday?

25 A 7/30/71.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Where were you born?

2 A Philadelphia, Pennsylvania.

3 Q How many siblings, brothers and sisters, do you have?

4 A Fourteen.

5 Q Okay. What was your father's profession in Philadelphia?

6 A He was a Philadelphia police officer.

7 Q And what religion were you raised in Philadelphia?

8 A Baptist.

9 Q How often did you go to church when you were growing up?

10 A Wednesdays and Sundays, all day.

11 Q Were there any members of your family that were in the
12 ministry?

13 A My grandfather.

14 Q Now, did you graduate from high school?

15 A Yes.

16 Q And what year did you graduate from high school?

17 A '88.

18 Q And what high school did you go to?

19 A LaSalle.

20 Q And did you play any sports while you were in high school?

21 A I played football.

22 Q What did you do after you got out of high school in 1988?

23 A I worked for a little restaurant as a cook.

24 Q And how long did you do that?

25 A For about a year.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And then what did you do?

2 A I moved out to California, lived with my uncle and went to
3 a community college out there and was a security guard.

4 Q Security guard?

5 A Yes.

6 Q Do you remember what company it was you worked for?

7 A Wells Fargo.

8 Q Okay. And how long did you live in California?

9 A I stayed out there for about a year. I got into a really
10 bad car accident and then moved back to Philadelphia.

11 Q And how long did you stay in Philadelphia when you moved
12 back?

13 A I want to say probably about two years, a year or two.

14 Q And in that two year period, what were you doing?

15 A I worked for another -- a high-end restaurant as a bus boy
16 and I did some parttime work for Denny's.

17 Q At some point then did you eventually move to Phoenix,
18 Arizona?

19 A Yes. I moved here in '92.

20 Q And what brought you to Phoenix?

21 A Well, my mom moved out here in '91 and I decided to come
22 out here. And I came out here in '92. When I came out here,
23 she moved back to Philadelphia and I stayed out here.

24 Q Why did you -- do you know why your mom actually moved out
25 to Phoenix?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A For Hakeem. Hakeem had really bad asthma.

2 Q Now, was Hakeem -- we've heard that name a few times.

3 A Anthony Simpson.

4 Q And how is he related to you?

5 A He is my nephew.

6 Q Was he Muslim at the time when your mother brought him out
7 here?

8 A No.

9 Q So I take it your mother was raising your nephew at that
10 time?

11 A Yes. My sister had passed away.

12 Q Okay. And did she have any other children that your
13 mother assisted in raising?

14 A Yes. She raised all of her kids, all of my sister's kids.

15 Q And we've also met Stuart Sampson.

16 A Why.

17 Q And he is Anthony's brother?

18 A Yes.

19 Q And did he come out here to Phoenix too?

20 A I don't believe -- yes, he did. He did come out with her.

21 Q When you came to Phoenix, what did you do?

22 A I got a job at a temporary agency and I worked various
23 jobs as an order selector and I did some DME driver, durable
24 medical equipment and medical delivery.

25 Q So DMB --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A DME driver.

2 Q Tell the jury what that is.

3 A It's medical durable equipment like patients that --
4 in-home patients, I would deliver the equipment to their
5 homes, pick it up, or delivering new equipment for them.

6 Q And how long did you stay in Phoenix at that point?

7 A I was here until '97 and then I flew back home for my
8 sister's funeral. And I -- from Philadelphia I went to
9 Nashville, Tennessee, and stayed down there for a while.

10 Q And why did you go to Nashville?

11 A I went down there just to visit my brother and wind up
12 staying down there.

13 Q What did you do while you were living in Nashville?

14 A I worked at a company called Service Merchandise. Yeah.
15 Service Merchandise and another company called Becker Group.

16 Q How long did you stay in Nashville, Tennessee?

17 A I believe I stayed there for about three years.

18 Q Was there ever a time when you worked or lived in Detroit,
19 Michigan?

20 A No. I didn't live there. I went -- I went out there to
21 go help a friend with a shop that he was opening up and wound
22 up getting robbed and got shot in the back.

23 Q When you say you went to help a friend open a shop, what
24 kind of shop was it?

25 A It was a barber shop.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And you got shot while you were in Detroit?

2 A Yes.

3 Q How long did you stay in Detroit?

4 A Only a week.

5 Q And what did you do after that?

6 A Went back to -- after I left Michigan, I went back to
7 Tennessee. After I got healed, I wind up flying out, coming
8 back out here to Arizona.

9 Q And can you tell us approximately what year that was that
10 you came back to Arizona?

11 A Probably 2001.

12 Q Have you lived in Arizona pretty consistently since 2001?

13 A Yes.

14 Q When you moved back in 2001, what did you do for a living?

15 A I worked various jobs. I wasn't consistent with what I
16 was doing as a machine operator. I did some more DME work,
17 DME driving, and delivering medications for a company called
18 Olsteen Home Care.

19 Q At some point did you open up your own company?

20 A Yeah in 2005.

21 Q And let's get these felonies out of the way.

22 At some point did you get convicted of some felonies?

23 A Yes. I got convicted for -- I think it was in 2004, I got
24 convicted for a DUI.

25 Q So it was -- how did it -- if you know, how did it become

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 a felony DUI?

2 A At the time I think I didn't have my license and I was
3 driving without -- without my license.

4 Q Do you have more than one felony DUI?

5 A Yes.

6 Q How many do you have?

7 A Two.

8 Q And what are they for?

9 A DUIs.

10 Q Okay. They're both DUI?

11 A Yes.

12 Q You've got two felonies and they're are both DUIs?

13 A Yes.

14 Q Okay. What was the name of the moving company that you
15 started?

16 A Well, the first one was called DT Moving Services. It
17 stand for DT, Decarus Thomas, and it wasn't going so good. I
18 wasn't getting any hits on it.

19 Because of the little men I had Chris had drew up for
20 me, it looked like they were drunk moving people. So I said
21 this is not going to work. I need to change the name.

22 So I wind up changing it from DT Moving Services to
23 Git-r Done Moving and Cleaning Services, LLC.

24 Q When did you change the name to Git-r Done?

25 A Probably in 2007.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And what did Git-r Done do? What kind of business was it?

2 A Well, it was actually a relocating company, more catered
3 to the elderly because we went in and we packed the -- packed
4 them up, found the place if they needed a place for us to help
5 them out with transfer there electric, gas, or anything that
6 needs to be transferred for.

7 If they lost a spouse or whatnot and they need to
8 downsize into going to a retirement facility, we would go in,
9 downsize for them, take the stuff to Goodwill, get -- do
10 estate sales for them. We did just about everything for them.

11 Q Did you also -- was there a component of your company that
12 provided cleaning services?

13 A Yes. We also cleaned the facility, cleaned their place up
14 if they needed to be cleaned. If they needed shelving or
15 anything put up, hung pictures, all that stuff, we would
16 paint, do everything for them. They didn't have to do
17 anything. We did everything all the way down to making their
18 beds for them.

19 Q Did you own any trucks at this time in 2007?

20 A I owned a little truck. But if the job required for a
21 bigger job, I would lease, lease the trucks.

22 Q And who would you lease the trucks from?

23 A Through Budget.

24 Q Okay. And how long did you own that company Git-r-Done
25 Moving?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Probably eight years.

2 Q Did you own it when you got arrested in this matter?

3 A Yes.

4 Q Okay. Now, were there other members of your family --
5 you've told us that your mom moved out here and then moved
6 back to Philadelphia and your nephews were here.

7 Were there other members of your family that actually
8 moved to the Phoenix area?

9 A Yes. I had a brother Demetrius Thomas that moved out
10 here.

11 Q We also -- we've met your brother James?

12 A Yes.

13 Q Did he move out here before or after you?

14 A I think he moved out here after me.

15 Q James had a different father than you?

16 A Yes, he did.

17 Q Okay. But you still treat him as your brother?

18 A Yes.

19 Q Full brother?

20 A Yes.

21 Q Are you close to James?

22 A Yes, I am.

23 Q Okay. Let's talk about Demetrius for a minute. Was he
24 older or younger than you?

25 A He was older.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Did Demetrius at some point convert to Islam?

2 A Yeah. Yes, he was Muslim, probably in '93 Philadelphia.

3 He was in Philadelphia when he converted. That's how I
4 learned about Islam is through him.

5 Q Did you convert in '93 or thereabouts?

6 A No -- well, I wouldn't say '93 because in '93 I was here,
7 but it was pretty early, probably in the 80s but I didn't
8 convert.

9 Q So your brother converted first?

10 A Yes.

11 Q Was he married?

12 A Yes, he was.

13 Q Did he have children?

14 A Yes, he did.

15 Q And what happened to Demetrius?

16 A He got shot in a driveby shooting.

17 Q Was he killed?

18 A Yes.

19 Q When was that?

20 A 2012.

21 Q Okay. Do you have an understanding of whether your
22 brother was involved in some sort of activity or was he a
23 bystander?

24 A He was a bystander.

25 Q Do you still have contact with your nieces and nephews,

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Demetrius's children?

2 A Yes.

3 Q Are they still here in the Valley?

4 A Yes.

5 Q Now, do you know when Stuart began -- or did convert to
6 Islam?

7 A I want to say in 2007.

8 Q Okay.

9 A Thereabouts.

10 Q When did you ultimately convert to Islam?

11 A In like the end of 2010.

12 Q Okay. And what is -- is there a ceremony that one goes
13 through when they convert to Islam?

14 A Well, yeah. You take -- you will want to do it in the
15 mosque around the community. It's basically confessing to the
16 religion and you take the Shahadah.

17 Q What is the Shahadah?

18 A It's confessing to the faith. Which one would say --

19 (Witness speaking Arabic)

20 MR. MAYNARD: You have to slow down a little.

21 THE COURT: Well, no. He was not speaking English,
22 so slowing down isn't going to help.

23 MR. MAYNARD: Not going to help?

24 THE WITNESS: Which means:

25 I testify that there is no God but God and he is one

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 and has no partners and I testify that Prophet Muhammad, peace
2 be upon him, is the Messenger.

3 BY MR. MAYNARD:

4 Q And you did that sometime in the latter part of 2010?

5 A Yes.

6 Q And at some point did you change your name?

7 A I changed my name around January 2013.

8 Q Okay. Let me back you up a little bit.

9 We'll go back from 2013 to back to when you were
10 running this business. Where did you get your employees?

11 A Some of them I -- well, some of them was around, you know.
12 I would ask -- if someone knew of anybody that was looking for
13 help or needed work and some I would ask them to work with me.

14 Q Did you at some point meet a person by the name of Stefan
15 Verdugo?

16 A Yes. I met him -- I believe it was like 2005, 2006,
17 somewhere around there.

18 Q How did you meet Stefan?

19 A I met him through a friend Aaron. And I lived off of Bell
20 Road and Stefan lived not that far from me, like right around
21 the corner about -- I'll say about a half a mile.

22 Q At some point did Stefan then start doing work with you?

23 A Yes. He started working with me on the weekends, him and
24 his brother Josh.

25 Q And how long did Stefan work for you?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Well, at that time he worked for me for about -- I would
2 say about a year, about a year, off and on.

3 Q Over the course of time from when you met him until the
4 time that you were arrested, did he work for you off and on?

5 A From the time that I got arrested? Or --

6 Q Prior.

7 A Prior? Off and on.

8 Q Prior five years before you were arrested, had Stefan
9 worked for you during that time period?

10 A Yes. Yes.

11 Q How often would he work?

12 A Off and on about, I would say, a year, for about a year.

13 Q Okay. Let's -- did you at some point meet a person by the
14 name of Elton Simpson?

15 A Yes.

16 Q Where did you meet Elton Simpson?

17 A I met him at a pizza shop off of 27th Avenue and Northern
18 that Nadir Soofi owned.

19 Q And was Simpson working there or how did you meet him?

20 A Yeah. He was working there. And I believe it was like
21 2011. 2011 I met him and he was working there.

22 Q And is this a pizza shop that you would go into
23 periodically?

24 A Yeah. It was around the corner from the house, so I would
25 go in and order pizza. And one particular day I drove up in

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 the truck and they seen the truck and I went in.

2 And they were -- Simpson, he asked me, he said, you
3 own that truck?

4 And I was, like, yeah.

5 We were trying to figure out who owned that. And
6 they would start laughing at it because they thought the name
7 was pretty cool. So I sat down and I started eating. Ordered
8 some food and started eating. And from there we exchanged
9 numbers and was talking every since.

10 Q Did you become friendly with him after that?

11 A Yes.

12 Q Did you become friendly with Nadir Soofi after that?

13 A Not -- no. I didn't. I knew of him, but didn't -- I
14 didn't, no.

15 Q Did you and Simpson go to the same masjed at that time?

16 A Yes. We did.

17 Q Had you seen him there?

18 A Nadir?

19 Q No. Had you seen Simpson at the masjed prior to seeing
20 him at the pizza place?

21 A Yes.

22 Q But you actually met him the first time at the pizza
23 place?

24 A Yes.

25 Q Did you guys become friendly at that time?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yeah, we talked, but not really close or anything but we
2 talked.

3 But whenever I go around to the pizza shop, we would
4 sit and discuss and talk and joke around.

5 Q At some point did you move from Bell Road to an apartment
6 or condominium at Vista?

7 A Yes.

8 Q Tell us when you moved to Vista.

9 A Well, I was staying with Sergio and --

10 Q Sergio Martinez?

11 A Yeah. Sergio Martinez.

12 Q The man that you went shooting with?

13 A Yes.

14 Q When were you living with Sergio?

15 A I lived with Sergio like -- 2009 to like -- well, no,
16 2008. 2008 to like 2010.

17 Q And then did you move to Bell Road after that?

18 A Not Bell Road. I moved to Vista.

19 Q Vista.

20 A Yes.

21 Q Okay. And who did you live with at Vista when you first
22 moved in?

23 A Abu Bakr Ahmed.

24 Q Can you say it again?

25 A Abu Bakr Ahmed.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Was there anybody else that was living in the house at
2 Vista?

3 A Abu Ahzeem. He's an old man.

4 Q Was he an older gentleman?

5 A Yes.

6 Q How is it that you ended up moving into that house at
7 Vista?

8 A In 2010 after I took Shahadah, I went to a Jumu'ah and
9 that's when you go in the path of God for like three days.
10 You stay at the mosque or you can stay there for 30 days or 60
11 days.

12 I only stayed for three days. And he was -- he
13 happened to be there and he asked -- he was asking a lot of
14 brothers was anybody looking for a place to stay. Originally,
15 the place was for Hakeem because Hakeem didn't have a place to
16 stay. So Hakeem didn't want to stay there, so I told him I
17 would. I would stay there.

18 Q Okay. Was -- Hakeem is your nephew that we talked about?

19 A Yes.

20 Q Was Hakeem working for you at the time?

21 A Yes. He was.

22 Q So you and Hakeem, did you move into the place at Vista?

23 A Yes.

24 Q At some point did Hakeem leave and go back to Phoenix?

25 A To Philadelphia?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Go back to Philly.

2 A Yes. I think it was in 2011 he went back to Philadelphia.

3 Q Do you have an understanding of why he went back to
4 Philadelphia?

5 A Me and him had got into a big argument because I didn't
6 feel as though that he should pray on the customer's time. I
7 felt as though that he was still in time from the customer if
8 he was to pray on the time while we were moving.

9 So I told him that he should ask the customer if he
10 could do that instead of just doing it. So he got mad at me
11 and he wound up wanting to go back.

12 Q At some point did Simpson move in with you at Vista?

13 A Yeah. I think it was like the end of 2011.

14 Q Okay. When is the first time you ever had contact with
15 the FBI?

16 A It was 2011, like around June of 2011.

17 Q Tell the jury what that was about.

18 A My nephew had -- I took my nephew to the airport. And I
19 told him, I said, if you have any problems with your flight or
20 anything, just give me a call and I'll come back and help you
21 out.

22 Well, I got about a half-hour down the road. He
23 called me back and he said I can't get on the plane. And I
24 said for what -- why? He was like I don't know. They won't
25 let me on the plane.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 And he said that the FBI wanted to talk to him. And
2 I said for what. He was like I don't know. I said don't talk
3 to them. I will be right back there. And I got back there
4 and he started telling me it was like they wanted to talk to
5 him for whatever reason.

6 I was like what reason do they want to talk to you
7 for but they wouldn't let him fly. They wouldn't let him get
8 on the plane. So I told him come on, we will go back to the
9 house. And I tried calling to see what was going on, why
10 wouldn't they let him get on the plane.

11 And they kept telling me, oh, we only want to talk to
12 him for a couple minutes. We just want to ask him some
13 questions.

14 I didn't know what questions they wanted to ask him
15 for, but I know my nephew wasn't never into nothing. He never
16 even got arrested for anything. Apparently -- I didn't
17 even --

18 I didn't even know that Abu Bakr Ahmed had purchased
19 the ticket for my nephew which they were looking at Abu Bakr
20 Ahmed. But they thought that my nephew was a part of -- a
21 part of them. So he wound up getting on the plane and getting
22 back there after -- after they helped him get on the plane,
23 but they had put him on a no-flight list for a couple of days
24 for -- they wouldn't let him go.

25 THE COURT: Mr. Maynard, we're going to take our

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 lunch break.

2 MR. MAYNARD: Okay.

3 THE COURT: Ladies and gentlemen, we'll reconvene at
4 1:15.

5 You are reminded of the admonition not to discuss the
6 case among yourselves or with anyone else.

7 Please do not form any conclusions about the case
8 until you have heard all the evidence and begun your
9 deliberations.

10 Court is in recess until 1:15.

11 (Recess taken at 12:00 p.m.; resumed at 1:17 p.m.)

12 THE COURT: Good afternoon, ladies and gentlemen.
13 Please sit down. The record will show the presence of the
14 jury, counsel, and the defendant.

15 Mr. Maynard, you may continue with your direct
16 examination.

17 MR. MAYNARD: Thank you, Your Honor.

18 **DIRECT EXAMINATION (cont'd)**

19 BY MR. MAYNARD:

20 Q I believe where we were where we left off this morning was
21 that in 2012 you are living in an apartment or condominium at
22 Vista; is that correct?

23 A Yes.

24 Q Okay. And your nephew had just left to go back to
25 Philadelphia?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q At some point does Simpson move in with you at Vista?

3 A I believe it's 2011 that he moved in like almost the end
4 of 2011.

5 Q Okay. So I probably misstated it.

6 Your nephew had left at the end of 2011 to go back to
7 Philadelphia?

8 A Right.

9 Q And after he's moved back to Philadelphia, Simpson then
10 moves in?

11 A Yes.

12 Q All right. At that point does Simpson ever begin to work
13 for you?

14 A Yes, he did.

15 Q And what is it that he's doing for Git-r Done?

16 A He was doing appointments -- appointment settings.

17 Q Explain to the jury what an appointment setter is.

18 A Well, he would go around on my computer and I would get
19 e-mails of customers or potential jobs. He would set the
20 appointments; call the customer and let the customer know
21 that, you know, if whatever spot we have, so I can go out and
22 do an estimate for them.

23 Q Okay. So you would get prospective customers come in.

24 You would then go out and look at it and estimate the job; is
25 that correct?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q And then you had a truck and you would determine either
3 what size of truck you needed or how many people you needed,
4 that kind of thing?

5 A Yes.

6 Q All right. In the summer of 2012, was there an occasion
7 where a warrant was issued or executed against the property at
8 Vista?

9 A I believe that was 7/20/11. It wasn't in 2012. It was in
10 2011.

11 Q You think it was 2011?

12 A It was ten days before my birthday. It was the first day
13 of Jumu'ah -- I mean the first day of Ramadan in 2011. So it
14 was 7/20/11.

15 Q Tell us what happened.

16 A I was laying on the bed. Simpson was on the floor. And
17 Abu Bakr as was at the computer. I heard noise downstairs, so
18 I asked Abu Bakr why do he have his computer up so loud.

19 And he said: I don't have my computer up loud.

20 So I looked out the back window and I seen police out
21 in the back. So they were yelling: Open the door. Open the
22 door.

23 You know, it was about ten seconds. Abu Bakr was
24 going to run down and open the door. I just told him, I said
25 no, they already broke the window, so they are about to come

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 in. So they already -- they came in --

2 Q Well, tell us. When they came in, were you allowed to
3 stay or did you get put outside?

4 A No. We wasn't allowed to stay. They came in. They told
5 all of us to come -- to go outside. They put us in handcuffs.
6 And before they took us out, I was in the room. I was the
7 last one standing in the room.

8 So they asked me: All the equipment that's in here,
9 who does this equipment belongs to?

10 I said to them that this computer that was on the
11 desk belongs to me. That computer wasn't mine. It's the
12 other computer that was on the floor. It wasn't mines. But
13 the computer on the desk belongs to me. And I don't know
14 whose thumb drive that is that's in the computer.

15 So they took -- told us to go outside. And we're out
16 there, so they started interviewing us why while we were out
17 there and they were searching everything.

18 Q Okay. Who was living in the house at the time that this
19 warrant was being executed?

20 A Well, it was me, Ibrahim, Abu Bakr.

21 Q Ibrahim is Elton Simpson?

22 A Yes. Elton Simpson. Abu Bakr and Abu Adzeem.

23 Q Can you spell that?

24 A It's A-D-Z-E-E-M.

25 Q Was he an older gentleman?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q Okay. Did you -- did they take any of the computers or
3 any of the electronic equipment?

4 A Yeah. This took all the electric equipment. They took
5 everything. They didn't take my cell phone but they took all
6 the computers and everything out of the house.

7 Q Okay. Did you continue to live in that place at Vista?

8 A No, I didn't. That night -- well, I boarded everything up
9 so that we could stay there for that night and cleaned all the
10 glass and everything up that was -- it was terrible in there.

11 So after that, the next day I went and looked and
12 found another place and that place was on Cochise.

13 Q Okay. Who moved with you to Cochise?

14 A Simpson, Adzeem -- I didn't want to mess with Abu Bakr
15 because what they --

16 Q Why didn't Abu Bakr Ahmed move with you guys?

17 A I didn't want him to move with us after finding that he
18 was doing some type of fraud stuff. I didn't -- I just didn't
19 want no parts of it.

20 Q Did you come to learn that the reason that the FBI had
21 executed the warrants and raided was because of something he
22 was alleged to be doing?

23 A Yes.

24 Q And "he" being Abu Bakr?

25 A Yes. Abu Bakr.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay. So now you've moved to the Cochise property and
2 you're with the elderly gentleman and Mr. Simpson?

3 A Yes.

4 Q Okay. And you're still running Git-r Done?

5 A Git-r Done.

6 Q And at some point do you have a falling out with Simpson?

7 A Yes. We do -- his --

8 Q When does that occur?

9 A About the summer of 2013.

10 Q Okay. Does that remind you -- I mean, how long did you
11 live in Cochise before you had that falling out?

12 A About a year.

13 Q Okay. So you moved into Cochise around 2012?

14 A Right.

15 Q All right. And so the execution of the warrant was
16 actually in 2012?

17 A Yes.

18 Q Okay.

19 A Yes. Sorry about that.

20 Q Okay. Tell the jury why you had this falling out with
21 Simpson.

22 A Well, he was watching these videos while they were -- they
23 were military videos and people bombing everything.

24 And I kept telling him don't get on my computer and
25 use -- and watch that stuff. And he was reading Inspire

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 magazines and all that stuff on my computer.

2 Stuff started happening. I didn't -- I wasn't --
3 they were -- it was another gentleman there that was Abdul
4 Wahid. They would communicate with each other while I'm in
5 the room. They would be signalling each other and saying
6 stuff and -- but by body language.

7 But I felt uncomfortable with it, so one day I went
8 to go clean the car and I found the tracking device in there.
9 And I just was like I can't deal with this anymore because I
10 didn't know exactly what was going on in the house.

11 And I didn't know if the FBI had put that in my car
12 because Simpson was the only one that was using the vehicle,
13 so I told him they had to leave. They didn't want to leave.

14 Q Let me stop you for a second. You heard AK's testimony
15 this morning.

16 A Yes.

17 Q And you heard him talking about something found in your
18 vehicle?

19 A Yes.

20 Q Is that what you're referring to is a tracking device?

21 A Yes. Well, I don't know if it was a tracking -- I know it
22 was something that was -- it was not supposed to be in the
23 vehicle. And I didn't -- I didn't put it in there.

24 I know that they had said something to me before in
25 thinking that I was FBI agent so -- or an informant -- so I

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 believed that they put it in there.

2 So I was like, you know what, you guys got to get out
3 of my house. I don't want no parts of it.

4 Q Did Simpson leave voluntarily?

5 A No. I --

6 Q Did you ask somebody to come help you?

7 A Yes. I called Abdullah Mubarak and he came over with a
8 couple -- with a couple guys and they put him out.

9 Q And Abdullah Mubarak, remind the jury if they don't
10 remember who he was.

11 A He came in with the abaya on. He was in the white abaya.

12 Q And what is that, the white thing?

13 A Well, it's -- on Friday you would get dressed up Asuna --
14 Asuna dress up like that on Fridays to go pray.

15 Q Okay. So in the summer of 2013 with the assistance of
16 with Mr. Mubarak you evict Simpson and another gentleman?

17 A Yes.

18 Q Are you living there by yourself at that point?

19 A No. Tobias and Josh Appleby moved into the place. And I
20 was --

21 Q How long did Tobias and Josh Appleby -- or Appleberry
22 live there?

23 A Well, they was there the summer of 2013 and they moved out
24 the fall of -- I want to say the fall of 2013.

25 Q So they were there for a couple months or --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q And then does anyone else?

3 A Stefan Verdura and Janine moves.

4 Q Who is Janine?

5 A Janine is Stefan's girlfriend.

6 Q And how long does Stefan Verdugo live there with you with
7 his girlfriend Janine?

8 A Well, Janine moved out in January of 2014. Stefan still
9 stayed there. When Janine moved out in January of 2014, Lupe,
10 which is Stefan's baby's mother, she moved in. And the same
11 type that she moved in, Charles Bibb moved in.

12 Q Let's stop for a second. Who is Charles Bibb?

13 A Charles Bibb is Abdullah Mubarak's son.

14 Q And how long does Mr. Bibb live there with you?

15 A He is there early January to August of 2014.

16 Q Let's talk about how big this house is on Cochise.

17 How many bedrooms did it have?

18 A It had four bedrooms but I only used three.

19 Q And did you have a living room?

20 A Yes. Two bedrooms.

21 Q Kitchen?

22 A Yes.

23 Q You said it had two living rooms?

24 A Yes.

25 Q What did you use one of those for?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A For a prayer room.

2 Q Okay. And when the mother of Stefan Verdugo's children
3 moved in, did his children move in also?

4 A Yes.

5 Q And how long did Stefan live there with the mother of his
6 children and his children?

7 A February -- I put Stefan out because Stefan didn't want to
8 pay rent. He moved out the end of February.

9 Q So he was only there with his children for about a month?

10 A Yes.

11 Q Okay. Anyone else move in besides Charles Bibb after
12 Stefan moved out?

13 A Well, after Stefan moved out, Charles is still saying
14 there. Ricky Meechum moved in.

15 Q Who is Ricky Meechum?

16 A Ricky is my nephew from my brother's wife's side.

17 Q Your brother James who testified here earlier?

18 A Yes.

19 Q It's his wife's nephew?

20 A Yes.

21 Q And how long did Ricky Meechum live with you?

22 A Ricky stayed there until September of 2014.

23 Q Was Ricky Meechum a Muslim?

24 A No.

25 Q Was Stefan Verdugo Muslim?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No.

2 Q Was Charles Bibb a Muslim?

3 A I could say -- no. I'm going to say no because he didn't
4 practice.

5 Q His father was a Muslim?

6 A Yes.

7 Q During this whole period of time, are those individuals
8 working with you in Git-r Done?

9 A Yes. But Stefan stopped after -- Stefan stopped after
10 February.

11 Q After February. After he moves out he's not working with
12 you?

13 A Right.

14 Q Okay. At some point did the FBI contact you about giving
15 you back the computer that they had taken while you were over
16 at Vista?

17 A Yes. That was in January, the end of January 2014.

18 Q So it's approximately a year-and-a-half that they had your
19 computer?

20 A Yes.

21 Q Did you want it back?

22 A No. I told them that they can keep it. I believe it was
23 Detective Nash that called me and asked me to come -- well,
24 actually told me I can come and pick up the property that they
25 had taken from Vista.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 I told him, I said it was almost two years. I don't
2 want that. I don't want it back. I don't need it. I've got
3 another computer already.

4 He said, well, we can't just keep your belongings.
5 We want you to come and pick them up.

6 I told him I didn't want it because they probably put
7 something in it. I said you probably bugged it. I don't want
8 it. Throw it away. Do whatever.

9 He said, no, you have to come sign the document
10 saying that we are allowed to keep it.

11 So I already told him why I will come up there, so
12 since I was going up there to sign the document, I just might
13 as well just get the computer back from them.

14 Q Did you take the Lenovo back?

15 A Yes, I did.

16 Q And what did you do with the Lenovo after you received it
17 back?

18 A Well, when I went to go pick it up from Detective Nash,
19 he -- it was also -- he gave it to me -- yeah, it was a thumb
20 drive that was in the bag with it. He gave it back to me. I
21 signed the waiver and everything back for it.

22 I got the Lenovo back. I called Sergio and told him
23 I had got that computer back from the FBI. And Sergio said he
24 had wanted it. Then I told Sergio I would give it to him for
25 a payment for -- because I had borrowed money from him and I

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 told him I would give it back -- I would give it to him for a
2 payment.

3 So I took it to him. Both of us, well, said we
4 erased -- thought we erased it, but to the best of our
5 knowledge --

6 Q Did you attempt to erase what was on it?

7 A Yes.

8 Q Why?

9 A Because it was bad. I didn't want the kids to get ahold
10 of it.

11 Q Okay. And you said you owed -- why did you owe Sergio
12 money?

13 A I had got a machine from him. It was a carpet cleaning
14 machine I had purchased from him. But I still owed him like
15 500 more dollars for it, so I gave him the computer.

16 Q Did you ever borrow money from Sergio periodically?

17 A Yes.

18 Q Why? Why would you need to borrow money from him?

19 A Well, because my business is seasonal. And during the
20 wintertime no one is moving. No one is doing anything during
21 those months.

22 And I figured from October, November, December,
23 January, February -- October, November, December no one is
24 moving because of all of the holidays. After -- after
25 February through March, that's when business pick up.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q By the way, do you ever borrow money from your brother
2 James?

3 A Yes. Yes.

4 Q So you give the computer to Sergio. Did you tell him it
5 was one that the FBI had had?

6 A Yes. Once I told him that it was the one that the FBI
7 had, he called his brother, which his brother works for Fry's
8 Electronics and he and his brother attempted to try to erase
9 whatever is on it and said that the computer was clean and the
10 kids can use it.

11 Q You also had the thumb drive?

12 A Yes.

13 Q What did you do with the thumb drive?

14 A Well, when I got the thumb drive back, I was having a
15 barbecue and I had lit the barbecue and I threw the thumb
16 drive in the barbecue.

17 Q Why did you destroy the thumb drive?

18 A Because I didn't know what Simpson had on there. And I
19 didn't want it going in my house and I didn't want no parts of
20 anything that he had had so I burned it.

21 He asked me for it and he got pissed because I burned
22 it because he told me that he couldn't get that information
23 that was on there ever again.

24 So I was like I'm sorry. I didn't want it in my
25 house.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q At some point after you had thrown Simpson out of your
2 house, did you guys begin to become friends again?

3 A Well, that was after I got the computer back. But, yeah,
4 we spoke periodically but like around -- we started really
5 talking like around March of 2014, somewhere in between -- he
6 would come over but not every day but --

7 Q And let me jump you to the summer of 2014. And the
8 summer, let's say, from July until September or so, who is
9 living with you during that period of time?

10 A July?

11 Q Yeah. In the summertime of 2014.

12 Is Ricky Meechum still living there?

13 A Yes -- no. Ricky moved out in September -- yeah. Ricky
14 is there in the summer of 2014? Yeah, I think Ricky is there.

15 Q Is Verdugo living there in the summer of 2014?

16 A No.

17 Q Is -- is there anybody else? We've heard of an individual
18 that's been referred to as Black Billy?

19 A Lupe -- Black Billy moved in in August of 2014.

20 Q When did you meet him?

21 A Probably in 2010.

22 Q Okay. Did he work for you or what did he do?

23 A Well, he was working with a mechanic shop I would take my
24 trucks to and he needed a place to stay because he was
25 sleeping at the yard. So Sala had asked me could he --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Who is Sala?

2 A Sala is the owner of the auto mechanic shop. He asked me
3 could he stay there with me and I allowed him.

4 Q Okay. Now, at this point let's get into the fall of 2014.
5 You still got the business?

6 A Yes.

7 Q Did Simpson work for you ever after you threw him out of
8 your house?

9 A No.

10 Q Okay. Did he -- at some point did he start coming back to
11 your house over on Cochise?

12 A Yes.

13 Q When did you -- when did he start coming back to the
14 house?

15 A I would say around March of 2014.

16 Q Did it -- did his visits to the house begin to increase as
17 the year went on?

18 A Yes.

19 Q And you guys get friendlier and friendlier with each
20 other?

21 A Yes. And he would come by around -- about two to three
22 times a week.

23 Q And what would you do?

24 A Well, I would cook. We would eat. And we would both eat
25 and then invite other brothers over and go out to go have

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Chia.

2 Q When you say we would invite other brothers over --

3 A Like certain -- well, Abdul Khabir would always come with
4 Simpson. So it would be me, Simpson, Abdul Khabir. And we
5 would hang out at the house and we would go over to have Chia
6 at Hava Java and that type of thing.

7 Q And Abdul Khabir, that was the gentleman who testified
8 this morning?

9 A Yes.

10 Q Okay. Did you ever go to his house, Abdul Khabir's house?

11 A Yes. I went to Abdul Khabir's house, but I didn't go and
12 stay over that much. I would go and sit probably about an
13 hour or two and then leave. But the majority of the times he
14 wouldn't want to stay in his house either. He would just
15 come with me and we would go to my house.

16 Q Now, in the summer of 2014 there are some young boys who
17 live across the street from you?

18 A Yes.

19 Q Carlos?

20 A And Juan.

21 Q Okay. Did you begin to employ them?

22 A Yes. Lupe -- well, Lupe had moved --

23 Q Tell the jury who "Lupe" is.

24 A Lupe is their older brother and he did work for me. He
25 moved into my house. He was there for about a month in

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 October. He moved out the end of October.

2 Q October of what year?

3 A 2014.

4 Q Okay. I'm sorry. Go ahead back.

5 A And so the kids would come over to the house while he was
6 there and -- but in July -- in July they started cleaning up
7 my front yard and backyard and watching, you know, taking care
8 of Billy's dogs and they did that periodically for about until
9 August. August of 2014.

10 Q And did you pay them?

11 A Yes.

12 Q And did you give them cash?

13 A Yes, I did. But Ruth, their mother, told me not to give
14 them any money. So from July till August, I would give them
15 \$20 a week. So they accumulated like \$160 bucks within the
16 two months. So she told me don't give them the money because
17 Carlos would do stuff with it. She didn't want them getting
18 the money themselves because she wanted them --

19 Q Okay. And what would you do with the money if you didn't
20 give it to them?

21 A Well, I would go and get what she wanted them to have. If
22 they wanted clothes, she -- I would get the clothes for them.
23 If they wanted -- if they needed shoes, I would purchase the
24 shoes out of that. And they bought a video game out of it so.

25 Q Now, during this time period Simpson is still coming over

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 to your house?

2 A Yes.

3 Q And at some point their -- Carlos and Juan's brother moves
4 in?

5 A Yes.

6 Q And does he have his own bedroom there?

7 A Yes.

8 Q Did you always keep a bedroom for yourself?

9 A Yes.

10 Q And it had a bed in it?

11 A Bed in it. Everything in it.

12 Q Is that where you spent most of your time?

13 A No. I spent most of my time in the prayer room.

14 Q Okay. Did -- do you remember the month that Juan and
15 Carlos's brother lived with you? What month was that?

16 A October.

17 Q And did he move out the end of October, the first part of
18 November?

19 A Yes. Yes.

20 Q Okay. And during that time period, did Juan and Carlos
21 come over and hang out in his room?

22 A No. When he moved out, Billy went to the park and came
23 back with a family Maurice. And after Lupe moved, out Maurice
24 came and moved in and he had two little boys that lived there
25 too.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q So after Lupe moves out, then there is somebody else who
2 moves into that bedroom with two kids?

3 A Yes.

4 Q And do you have a bedroom?

5 A Yes.

6 Q And Billy has a bedroom?

7 A Yes.

8 Q And the guy who moves in with the two kids, is he a
9 Muslim?

10 A No.

11 Q Okay. You also mentioned a few minutes ago that Billy had
12 dogs.

13 A Yes.

14 Q How many dogs did Billy have?

15 A Billy had two pit bulls and in January the dogs had eight
16 dogs. So it was -- it was like ten dogs -- it was ten dogs at
17 the house.

18 Q Okay. I thought Muslims didn't keep pets.

19 A You're not supposed to.

20 Q Okay. At some point did you get a check for \$10,000?

21 A Yes. In November.

22 Q What was that check for?

23 A My got into a car accident in December of '13.

24 Q And what did do you with the \$10,000 check?

25 A Well, I deposited it into -- well, I didn't have -- I had

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 a business account and I was having problems with that
2 account.

3 So I didn't have a personal account, so I went to
4 open up a personal account and the personal account was at BMO
5 Harris. And I deposited it inside of the BMO Harris Bank.
6 And about a couple days later I was -- I withdraw like \$5,000
7 out and went down to San Diego and purchased a truck.

8 Q Hold on just a second. Can the witness be shown Exhibit
9 559.

10 A Thank you.

11 Q I'm going to direct your attention to the writing that's
12 in the middle of 559.

13 Do you recognize that document?

14 A Yes.

15 Q Did you prepare this document?

16 A Well, the guy who I got the truck from did.

17 Q Is that your signature on the document?

18 A Yes.

19 MR. MAYNARD: Move for the admission of Exhibit 559.

20 MR. KOEHLER: No objection.

21 THE COURT: 559 is admitted.

22 (Exhibit No. 559 admitted in evidence.)

23 MR. MAYNARD: May I publish?

24 THE COURT: You may.

25 BY MR. MAYNARD:

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Why did you have this receipt for the GMC box truck?

2 A Well, when I withdrew the \$5,000 out of the account, the
3 reason why I withdraw the money out of the account is because
4 they didn't have a BMO Harris Bank in San Diego.

5 So I didn't trust the guy that I was giving the money
6 to. I made up some type of document to drive that truck back
7 over to Phoenix. So I asked him to write that up for me so
8 that I would have something showing that I purchased it.

9 Q And where did you keep this document?

10 A It was inside of a -- inside of a book.

11 Q And where was the book kept?

12 A Inside of my bag, black bag.

13 Q And where was your bag kept?

14 A With me all the time inside the truck or inside my car.

15 Q When you were arrested on June 10 of 2015, where was that
16 bag?

17 A In the truck.

18 Q And is it your belief that this number 22, is that from
19 the FBI when they searched your truck that day?

20 A Yes.

21 Q Now, how did you get over to San Diego?

22 A I drove, me and Billy.

23 Q And then one of you drive this truck back?

24 A Yes. I drove the truck back.

25 Q Now, at some point did you buy a .38 caliber pistol?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes. I bought that in -- sometime in December.

2 Q December of what year?

3 A '15 -- well, '14. 2014.

4 Q Where did you buy that pistol?

5 A I purchased it from a guy off of Backpage.

6 Q There was a man who came in here and testified, Mr. Raper?

7 A Raper. Yes.

8 Q Do you remember him?

9 A I vaguely remember him, but I did buy the gun from him.

10 Q That is the man that you bought the gun from?

11 A Yes.

12 Q And how much did you pay for the gun?

13 A I paid \$350.

14 Q He said you paid \$300?

15 A No. \$350.

16 Q What did you get for your \$350?

17 A He gave me the gun and some bullets.

18 Q And how many bullets did you get?

19 A It was about a half a box that was in it.

20 Q Where did you meet him when you bought that gun?

21 A 83rd Avenue and Union Hills.

22 Q What time of day did you meet him?

23 A It was night.

24 Q Was anybody with you when you went and met with him?

25 A It was Abdul Khabir and Simpson.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Did you tell them what you were going to do?

2 A No. I didn't.

3 Q Okay. How long did that transaction take when you bought
4 the gun?

5 A Oh, probably about ten minutes.

6 Q Did you have any conversation with that gentleman other
7 than giving him the money and him giving you the gun?

8 A Yes. He asked me what did I need the weapon for. And I
9 told him that I own a moving company and I carry -- I have a 9
10 millimeter that I carry but it's too bulky. And I wanted
11 to -- a smaller gun so I could keep it on my person.

12 And then he asked me, he said: You own a moving
13 company?

14 I told him: Yeah.

15 He said: Are you hiring?

16 And I told him: Not right now. Probably during
17 the -- it's slow right now but in March stuff starts picking
18 up.

19 He then told me that he had a .22 that he wanted to
20 sell. And I told him I don't need another gun. I only need
21 that one and that's the only one I was interested in.

22 I then gave him one of my business cards and told him
23 if he's looking for work to give me a call around that time
24 and I probably could help him out.

25 Q Did you ever say to him, "I'm in the market for buying

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 guns"?

2 A No. No, I didn't.

3 Q Did he ever call you about working for you?

4 A No, he didn't.

5 Q Okay. Now, did there come a point in time when you bought
6 any additional .38 caliber shells for that gun?

7 A Yes. It was still in the month every December. I called
8 somebody on Backpage and went out -- went out there -- well,
9 the person told me that they had some bullets for sale.

10 I went -- I only wanted four boxes. And they told --
11 they asked me was I interested in buying a six-pack. And I
12 told them I was.

13 And at the time it was me and Simpson was there.

14 Simpson had told me that he needed some shells for his gun
15 that he had. So we both split the money and the cost of the
16 bullets. So he took three boxes and I took three boxes.

17 Q All right. Let me move you forward a little bit.

18 It's now December 31st. It's New Year's Eve. Who's
19 living with you now?

20 A Stefan Verdugo had moved in the house. So it's Billy and
21 Stefan Verdugo and it's around December the 27th.

22 Q Okay. Moving forward now to New Year's Eve, what did you
23 guys do on New Year's Eve, if anything?

24 A Well, I went and purchased some fireworks for the kids
25 across the street. I don't know. It was from one of those

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 tent sales. And it was a fairly big box of fireworks.

2 And when it started getting dark, I started setting
3 them up so we could light them off and I noticed Carlos
4 running back and forth in the house coming to the box and
5 grabbing the fireworks and taking them back into the house.

6 Well, Stefan was in there ripping them open and
7 putting them inside of a bag. And I walked inside the house
8 and I asked him what was he doing. Why is he ripping them up.

9 I said I bought these for these kids. Why are you
10 tearing these up? And he said, oh, this is going to be cool.
11 You just got to take a look at it and watch it. I said don't
12 rip no more of those up because I didn't buy them for that
13 purpose.

14 So I took the ones that he had before he could rip
15 them up and he put -- I don't know -- inside of a bottle. He
16 put some gun powder inside of a bottle and went outside to
17 light it and nothing happened. It just -- poof -- like
18 disintegrated, you know.

19 Q Did it blow up?

20 A No. It didn't do anything.

21 Q Who was there?

22 A It was the kids across the street and me and Stefan and
23 Lupe and his girlfriend.

24 Q This is the brother of the kids across the street?

25 A Yeah.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Is Simpson there?

2 A No.

3 Q Soofi there?

4 A No.

5 Q Did you ever ask Verdugo to make a pipe bomb for you?

6 A No.

7 Q Did you ever ask him how to make a pipe bomb?

8 A Never.

9 Q Now, in January of 2015, who is living in your house?

10 A Well, it's me and Billy there. And, well, me and Billy
11 and I think -- back up a little bit.

12 Yes. It was me and Billy and -- and Mo is there with
13 the kids.

14 Q Who is there with the kids?

15 A Mo.

16 Q Who is Mo?

17 A Maurice.

18 Q So the homeless guy down the street?

19 A Yes.

20 Q Living there?

21 A Yes.

22 Q Stefan Verdugo still living there?

23 A Yeah. He's still living there. And that's in January.

24 And January he moves out.

25 Q How long -- you have told us Stefan Verdugo moved in

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 around the last week in December.

2 A Yes.

3 Q When in January did he move out?

4 A I want to say before the end of January.

5 Q Okay. Now, you had been friends with Mr. Martinez for a
6 long time?

7 A Yes.

8 Q Correct?

9 A Yes.

10 Q You had actually lived with him?

11 A Yes.

12 Q Had you been to his mother's house or his father's house?

13 A Yes.

14 Q Okay. What would you go to Sergio Martinez's parents'
15 house for?

16 A Well, we would go out there. I had some quads out there
17 and I had a go-cart that was out there. And we would go out
18 there and go four-wheeling, shooting, and we would just have a
19 good time out there.

20 Q Well, what kind of guns did people shoot at Ms. Martinez's
21 house?

22 A Sometimes they would shoot 12 gauge. I don't know all
23 their names of the rifles.

24 Q What did you shoot when you were out there?

25 A I had my 9 millimeter. I would shoot it out there.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q At some point did either Simpson or Soofi call you about
2 going shooting?

3 A Yeah. Simpson had called me and --

4 Q When was this that you recall?

5 A I would say it was sometime in January.

6 Q Had you ever been shooting with Simpson before?

7 A Yes.

8 Q When had you gone shooting with Simpson earlier?

9 A Probably, about April of 2014.

10 Q And where was that?

11 A At Sergio's mom's house.

12 Q Did Simpson have a gun?

13 A He had a 9 millimeter.

14 Q Okay. And you had a 9 millimeter?

15 A Yes.

16 Q All right. So now he calls you in January about going out
17 shooting again?

18 A Yes.

19 Q Okay.

20 A Well, he called -- he called me and asked me was I at the
21 house and he came over to the house. And he said can you call
22 Sergio and ask Sergio can we go out to his mom's house and go
23 shooting.

24 I said all right, I'll call her. And I called him.

25 And I told Simpson, I said, he said not this weekend. We can

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 go probably the next weekend.

2 So the next weekend came. Simpson came over and he
3 asked me to call Sergio but he was being real pushy, like,
4 dude, find out if we can go. And I was like wait, it's not my
5 house.

6 So I called Sergio and Sergio was like, no, we can't
7 do it right now because I got to take the kids to a wrestling
8 match and probably the following -- the following weekend we
9 can go. So Simpson got a little mad but the following weekend
10 we did go. Simpson came over to the house, him and Nadir.

11 Q Whose car did they drive?

12 A It was the black car, Nadir's.

13 Q Okay. Whose car went from your house out to Sergio's
14 house?

15 A My car did.

16 Q Did you see them put guns into your car?

17 A Yes.

18 Q What guns, if any, did you take with you?

19 A I had my .38. I didn't really see them. The guns was in
20 some type of -- I don't know if you want to call it a bag, but
21 it was -- they were strapped to something and they put them
22 inside of the back of my truck.

23 Q So you then drive with Simpson and Soofi out to Sergio's
24 house?

25 A Yes.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Do you recall -- do you recall what day it was?

2 A No, not really.

3 Q Do you recall who was there when you got there?

4 A Sergio was there and Vonnie and Daniel, that's Sergio's
5 two little kids.

6 Q Did you know them pretty well?

7 A Yes.

8 Q What did you guys do when you got there?

9 A Well, I talked to Sergio for a minute and Nadir and Sergio
10 started talking. And so Nadir said to me, wow, Simpson was
11 playing -- playing basketball.

12 Nadir said to me can you unlock your -- your truck.
13 So I unlocked it. He went out to the truck and came back in
14 with that bag. It wasn't a bag. I know they were strapped to
15 something but it was covered.

16 So he came back out and him and Sergio was out there
17 and they were talking about the guns, like basically,
18 show-and-tell. He was showing -- Sergio was showing him the
19 new gun that he got and Nadir was showing Sergio the guns that
20 he had.

21 Q At that point did you have any understanding of whose guns
22 those were?

23 A No. I didn't.

24 Q Did you -- did you know whether or not Simpson had ever
25 bought a rifle?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No. I didn't think Simpson had -- had any rifles. For me
2 looking at that, I thought the guns belonged to Nadir.

3 Q Did anybody ever tell you that Simpson had bought a rifle?

4 A Someone called me probably like in October, November, and
5 said something about him -- well both of them purchasing some
6 AKs but I don't know exactly who it was that said something to
7 me about it.

8 Q Did you ever talk to Simpson about that?

9 A No.

10 Q Did you buy those guns?

11 A No. I haven't.

12 Q Did you loan them the money to buy those guns?

13 A No.

14 Q Did you give them the money to guy those guns?

15 A No.

16 Q Did you have anything to do with the purchase of those
17 guns?

18 A No.

19 Q Are you sure?

20 A Yes, I am. Absolutely, sure.

21 Q Did you ever purchase rifle ammunition for those guns?

22 A No.

23 Q Did you ever loan them money to purchase rifle ammunition?

24 A No.

25 Q Were you ever with them when they bought rifle ammunition?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No.

2 Q Did you even know when they went and bought the rifle
3 ammunition?

4 A No.

5 Q All right. How long did you stay at Sergio's house?

6 A I know we were there until Nicole got back from -- she was
7 at the store getting groceries. I know we were there until
8 she got back with the groceries. But, yeah, we prayed and
9 then after that she came back and then we was there for about
10 a good hour, an hour before we went out.

11 Q And this is in January?

12 A Yes.

13 Q Do you recall what time of the day it was?

14 A Probably, around 3:00, 3:30, somewhere around there.

15 Q What time would you have normally prayed?

16 A Like around 3:00.

17 Q So it's sometime after that then?

18 A Yes.

19 Q Okay. Did you pick the place where you went to shoot that
20 day?

21 A No.

22 Q Who picked the place?

23 A Sergio.

24 Q And did Sergio go in your car with you?

25 A No. He drove his truck.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And who went with Sergio in his truck?

2 A His kids.

3 Q And how many kids were there that went with him?

4 A Two.

5 Q How far away from Sergio's house did you go before you
6 stopped in the desert to shoot?

7 A I don't really know the distance because we --

8 Q I mean, did you drive for an hour?

9 A Probably about -- I would say about ten, 15 minutes.

10 Q Okay. Had you ever been to that particular part of the
11 desert to shoot?

12 A No.

13 Q What did you guys do when you got there?

14 A Well, we got out. I got out. And Simpson and -- they got
15 out. They were -- it was like a dump, a dump area, like for
16 like people just dump stuff over there.

17 So they got out and they found some stuff to shoot
18 at. They had boards they put up and I put up. I had some
19 targets. They were like bulls eye targets. I hung mines up.
20 And Simpson had theirs. They had to stick sticks to make it
21 stay up because of what they -- where it was going to be
22 shooting at.

23 Sergio was positioned here, probably like
24 north/northwest. They were south, like southeast and I was
25 over towards this way like southwest.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q You're talking about where you guys were all standing?

2 A Yeah.

3 Q When you were shooting?

4 A Yeah. Positioned.

5 Q Okay. Did you shoot any -- well, what weapons did you see
6 out there? You have your 38?

7 A Right.

8 Q Sergio bring a gun with him?

9 A Yes.

10 Q Do you recall what he brought?

11 A I want to say -- I don't really remember if it was a 22 or
12 like 410. I don't really remember exactly which one it was.

13 Q Do you remember the kinds of guns that were brought by
14 Simpson and Soofi?

15 A Well, yes. Simpson and Soofi, both guns that I thought
16 that was Nadir's, he had the AK black one, the black AK.

17 Q Is that the one we've seen her for the last three weeks?

18 A Yes. And the pistol, the pistol-grip one.

19 Q The pistol being one that had a collapsible stock on it
20 that we've seen here also?

21 A Yes. That one and the AK.

22 Q Did you shoot any of those guns?

23 A I shot -- I believe I shot the one that had the
24 collapsible -- you know, that funny-looking one. I think I
25 shot that one. And I know I shot the small AK. Like I shot

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 like three shots with it. I didn't like it because it was too
2 powerful.

3 Q Had you ever shot an AK47 before or an AK-74?

4 A No.

5 Q Did Sergio shoot those?

6 A I can't -- I only remember the -- the funny-looking one
7 him shooting. I don't really remember him shooting the other
8 ones.

9 Q When you're talking about the funny-looking one, is that
10 the one with the collapsable stock?

11 A Yes. Collapsable stock.

12 Q The 9 millimeter with a collapsable stock?

13 A Yes.

14 Q How long were you guys out there shooting?

15 A I really don't remember how long we were out there. I
16 know it started getting dark.

17 Q All right. Why do you remember it started getting dark?

18 A Because I was watching Ibrahim -- well, I was turned this
19 way. And after I got finished shooting, I went to Sergio and
20 Sergio had yelled to me. He said look at him.

21 He was talking about Ibrahim. But when I looked up,
22 I only seen Ibrahim like moving a little bit but he was
23 moving, like skipping, with the gun.

24 But you could see the fire coming off the gun. And I
25 went to go take a picture of it. And Ibrahim started yelling

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 at me and telling me not to take the picture of him. And
2 took -- ran towards the car and told me to erase it.

3 And that's how I know it was dark because you could
4 see the flames coming off the gun really, really wide.

5 Q Did -- did you tell Ibrahim or Nadir how to shoot the
6 guns?

7 A No.

8 Q Did you give them any instructions at all?

9 A No.

10 Q Have you -- had you ever instructed anybody on how to
11 shoot an AK-47 or an AK-74?

12 A No.

13 Q Did you really know much about those two guns?

14 A No, I didn't. I didn't know anything about it. That was
15 the first time I ever seen those guns or handled one.

16 Q Did anybody go around and pick up the shells that were on
17 the ground?

18 A No. I had a bag that I always kept with me whenever I'm
19 shooting. If we was out at Sergio's mom's house, we never
20 left the shells on the ground. We would go pick the shells
21 up. Any shells that were there, we would always rake them all
22 up and throw them away.

23 I had a bag that I was shooting. I was just dumping
24 the shells inside of.

25 Q But you didn't see anybody else picking up any of the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 other shells as if they were trying to cover their tracks?

2 A No.

3 Q Did you go -- did you go back to Sergio's house after
4 that?

5 A No. I drove and -- Sergio went home and I drove to my
6 house and they took the guns out of the car and put the guns
7 back into their car.

8 Q Was there anybody at your house when you got there?

9 A Yes. Stefan was. He was sitting in front of the door.

10 Q Did you go with Simpson and Soofi to their place?

11 A No.

12 Q In fact, had you ever been to Simpson and Soofi's place as
13 of the time that you went shooting in January of 2015?

14 A No.

15 Q Did you know where they lived?

16 A No.

17 Q Okay.

18 A I knew -- well, apartment complex, but not the apartment.

19 Q Okay. When in relationship to this time you went shooting
20 did Stefan Verdugo move out of your house?

21 A Like the end of January.

22 Q So he was not there in February or March?

23 A No.

24 Q Do you know where he moved to?

25 A No, I don't. I heard that he had moved with Nick but I

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 didn't -- I didn't care where he moved at.

2 Q Who is Nick?

3 A Some kid he was hanging out with.

4 Q Did you know this guy by the name of Nick?

5 A No.

6 Q In February -- strike that.

7 When was the first time you ever went to Simpson and
8 Soofi's apartment?

9 A Sometime in February.

10 Q What were the circumstances around your going to their
11 apartment?

12 A I would have had got off because the pipes bust in the
13 backyard and it was flooding in the neighbor's yard out. So
14 the Water Department came out and shut the water off and said
15 to me that I had to get my landlord to fix it in order for
16 them to come back out to turn it back on.

17 Q And how is it that that caused you to go to Simpson and
18 Soofi's apartment?

19 A Well, I couldn't shower. And I remember I had called them
20 and asked them can I come over and take a shower.

21 And I went over --

22 Q Let me stop you for just a second. You said "I called
23 them." Who did you actually call?

24 A I called Simpson.

25 Q Did you know Soofi that well at the time?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No.

2 Q I mean, you knew him from running the pizza place, right?

3 A Right.

4 Q And did you see him at the masjed?

5 A Sometimes but very -- I didn't barely talk to him.

6 Q Is it fair to say that you were much closer to Simpson
7 than you were to Soofi?

8 A Yes.

9 Q You were close with AK?

10 A Yes.

11 Q You were close with Mr. Mubarak that we've seen?

12 A Yes.

13 Q All right. You call Simpson and ask him to -- whether you
14 can go to his place and take a shower?

15 A Yes.

16 Q Do you recall when that would have been?

17 A I don't remember the exact date, but I know it was in
18 February. And I asked him can I take a shower. And he said
19 yes.

20 I went over there that day. I showered. And then I
21 had ate something. I remember my sugar was up. I checked my
22 blood and it was -- my sugar was up really high so I didn't
23 want to drive so I stayed over.

24 Q Did you actually spend the night at Simpson and Soofi's?

25 A Yes.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Had you ever spent the night there before?

2 A No.

3 Q Did you ever spend the night there afterwards?

4 A No. I didn't spend the night there afterwards but I did
5 go there the next day to shower again.

6 Q Okay. All right. Was that day on a weekend or during the
7 week, if you recall?

8 A I believe it was during the week.

9 Q Who was there?

10 A Ali Soofi was there, Ibrahim and Nadir Soofi.

11 Q Was the little boy, was Nathaniel there.

12 A Not -- not during that time.

13 Q Okay. Had you -- did you know Ali Soofi at that point?

14 A No.

15 Q Had you met him before?

16 A I had -- when that first day that I took the shower,
17 that's when I met him. I seen him at the mosque but never
18 spoke to him or anything. I spoke to him when I went and took
19 the shower.

20 Q Let's talk about that apartment for a minute.

21 How many bedrooms did Simpson and Soofi's apartment
22 have?

23 A One bedroom.

24 Q Who stayed in that bedroom?

25 A Nadir Soofi.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q All right. What was the living room like?

2 A Well, it was a pretty big living room with the L-shaped
3 couch. Ali slept on this side and Simpson was sleeping on
4 this side of the couch.

5 Q The night that you spent the night over there, where did
6 you sleep?

7 A I slept on this side of the couch that Simpson slept on.

8 Q And where did Ali Soofi sleep?

9 A He slept on that side of the couch.

10 Q Where did Simpson sleep?

11 A Simpson slept on the floor.

12 Q Are you sure that you only slept at their place one time?

13 A Yes.

14 Q In your entire life?

15 A Yes.

16 Q You heard Ali Soofi say that you slept there many more
17 times than that?

18 A That's absolutely not true. I only slept there one time.

19 Q Okay. When was the next time you went to Simpson and
20 Soofi's apartment?

21 A I know it was on probably a weekend and I only stayed
22 there for probably an hour.

23 Q Had you seen Nathaniel Soofi before?

24 A Yeah. That's when I seen him. That was on a weekend.

25 Q Had you ever seen him either at a park or at your place?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes. He came by my house -- while Nadir messed his head
2 up -- his hair up when he was trying to cut it.

3 And he had to go back to his mom's house and it was
4 like his mom was on his way to come pick him up. So there is
5 no shops open on Sundays so he called me and asked me can I
6 fix Nathaniel's hair.

7 And he brought Nathaniel over there and that
8 Nathaniel had patches everywhere. So I was like what did you
9 do to him? So I hurried up and fixed it for him and he took
10 Nathaniel and left.

11 Q I asked Nathaniel if you had cut his hair and he didn't
12 remember that. Are you sure you cut his hair?

13 A Yes.

14 Q Now, how many times in all did you ever go into Simpson
15 and Soofi's apartment?

16 A I would probably say somewhere around four to five times.

17 Q Okay. And was it then after this first time that you
18 spent the night there and you took the shower?

19 A Yes.

20 Q How many times did you go to the apartment but not go into
21 it?

22 A I believe probably about 10 to 12 times.

23 Q And why would you go there and not go into the apartment?

24 A I went there to go pick Simpson up.

25 Q And --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A And we would go out to go -- we would go out to go have
2 tea or go to a restaurant.

3 Q And would you call him? Blow the horn? What did you do?

4 A No. I would call him on my phone and let him know that
5 I'm coming through the -- I'm in the apartment complex and he
6 would just come outside and meet me.

7 Q But you're sure that's -- that you only have been in their
8 place four or five times at most?

9 A Yes. Positive.

10 Q Now, when you were there was Ali Soofi there every time?

11 A Yeah.

12 Q Okay. On the weekends did he stay there?

13 A I seen him that weekend that I was there, he was there.

14 Q Now, at some point did -- after Stefan Verdugo had moved
15 out in January or had left, did he ask to come back and live
16 with you?

17 A Yes, he did.

18 Q And did you let him come back and live with you?

19 A No.

20 Q Did anyone else call you on behalf of Stefan Verdugo and
21 ask if he could come -- if Stefan could come back and live
22 with you?

23 A Yes. Yes. It was Daniel. Dan VanHook. And I told
24 Daniel, no, don't tell him where I live. Do not let him know
25 anywhere. And Daniel said why won't you just let him come

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 back and stay. He don't have nowhere to stay. And I say I
2 don't need that problem so he have to fend for hisself and I
3 don't want that problem at my house anymore.

4 Q When did you move out of the house that was on Cochise?

5 A I would say probably like around March 15th.

6 Q And where did you move?

7 A Well, I stayed with -- I didn't move my stuff out of there
8 yet. I was -- I still had all my things there.

9 Q Well, let me stop you right there.

10 March 15 or thereabouts, who is living in that house
11 in Cochise?

12 A It's Maurice with his two kids, Billy, and Billy had found
13 another homeless lady and she had two kids that was living in
14 there.

15 Q And so where did you start staying in the latter part of
16 March of 2015?

17 A I went to Abdul Mubarak's house.

18 Q And how long did you live with Abdul Mubarak?

19 A I would say about a week-and-a-half, not even.

20 Q Did you spend any time with your brother during that time?

21 A Yes, occasionally. I stayed with my brother occasionally.

22 Q And then did you eventually rent a new apartment?

23 A Yes.

24 Q And when did you move into that new apartment?

25 A Probably the 2nd of May -- I mean, the 2nd of April.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And where was that apartment?

2 A Off of 21st Avenue and Thunderbird.

3 Q And how many bedrooms was the apartment?

4 A Three bedrooms.

5 Q You certainly had room for Stefan Verdugo. Is this the
6 place that VanHook asked you to let Stefan Verdugo move into?

7 A Yes.

8 Q And you refused?

9 A Yes.

10 Q Now, did there come a time when you were driving on the
11 road and you saw Stefan Verdugo at a bus stop?

12 A Yes. I was coming off of Cave Creek coming from the
13 apartment. And I got to Hatcher and I seen him at the bus
14 stop. And I pulled over into a driveway and him and her --
15 him and his girlfriend got in the car.

16 Q Had you ever met her before?

17 A No.

18 Q Did you recognize the woman that testified here as the
19 girl that you picked up that day?

20 A Well, I didn't recognize her that day that she came and
21 testified. She was about -- she looked like she gained about
22 50 pounds. She was really, really thin --

23 Q So --

24 A -- when I met her.

25 Q The woman you picked up with Verdugo was very thin?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q But you don't have any reason to doubt that it was the
3 same woman?

4 A No. I don't have any reason.

5 Q Where did you take them to when you picked them up?

6 A I took them to Nick's to the -- their friend Nick's house.

7 Q Did you know where Nick lived?

8 A No. Stefan told me how to get there.

9 Q Approximately, how long did it take you from the time you
10 picked up Stefan and Amber Pluff to get to Nick's house?

11 A About eight minutes, about eight to nine minutes.

12 Q Did you have conversation with Stefan while he was in the
13 car?

14 A No. I just asked him how is he doing and that's it. You
15 know, they didn't talk much.

16 Q Do you remember when that -- when it was that you picked
17 him up? Was it either before or after --

18 A It was after.

19 Q -- after VanHook had --

20 A Yeah. It was after -- I think it was probably before that
21 but because I was already in the apartment when Daniel had
22 asked me. So it was sometime in April that Daniel had asked
23 me could he come back and stay there.

24 Q And when do you believe it was that you picked Stefan up?
25 Was it around the same time or --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yeah. It was around the same time.

2 Q Now, was there a point in time when you are with Simpson
3 and AK and you go to a T-Mobile store?

4 A Yes. That was around April 6th.

5 Q Why is it that you happen to remember that date so well?

6 A Well, because I got hit by the car.

7 Q All right. Let's talk about that date.

8 What time did you pick those two fellows up?

9 A Well, Simpson -- I texted Abdul Khabir and told him that
10 we were going to go out to have Chia and dinner.

11 And I text Simpson and told Simpson that I was on my
12 way. It had to be around like 6:30; about 6:00, 6:30 I texted
13 him. Probably could have been five. I would say five o'clock
14 to be safe. Because it took me some time to go get Simpson
15 because Simpson text me back and asked where was I. And I
16 told him I was on my way.

17 And I went to his apartment first and picked him up.
18 And AK had texted me back and told me that he didn't want to
19 go but I was already enroute to his house. And I got in front
20 of his door. He wasn't dressed. And he was saying I don't
21 want to go out, I don't want to go, so we forced him to go
22 with us, so he went with us.

23 Q Where did you guys go after you picked up AK?

24 A At first we went to Hava Java. And I told them I didn't
25 eat yet so I have to eat. So that Afghani restaurant is not

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 that far from Hava Java, so we said, okay. We didn't want to
2 get anything to drink yet because we didn't want the chia to
3 get cold.

4 So we went to the Afghani restaurant. I got out to
5 go order -- to go order -- well, all of us went in and
6 ordered.

7 I realized that I had to go to T-Mobile to pick up
8 the two SIM cards because I was switching -- I had like a
9 prepaid plan. And I just wanted it to be regular. I didn't
10 like the prepaid anymore.

11 So I -- they had to give me -- I went to go -- I
12 already called in to get them switched, so I had remembered
13 that I had to do that. That was around about 7:30 when I
14 realized that we got our food. And I told them, hey, I got to
15 go to T-Mobile.

16 They said, oh, okay, go ahead. They was like, well,
17 we're going to eat our food right here in the car. So they
18 was eating their food in the car while I was driving to
19 T-Mobile.

20 Q What was the restaurant that you went to that day?

21 A Afghani. I don't know the name of the restaurant.

22 Q Is it -- we've looked at a picture of a restaurant a
23 couple of times.

24 A Yes. That's the restaurant.

25 Q There was a young boy who came in here. Is that the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 restaurant you went to?

2 A Yes.

3 Q And you got your food to go?

4 A Yes.

5 Q And then what did you do?

6 A Well, we drove to 7th Avenue and Camelback. I pulled into
7 the stall. And her car, it was a car that was parked right
8 here, a Malibu it looked like, a Chevy Malibu.

9 So I was on this side and the door of the T-Mobile
10 was here.

11 Q Well, the jury nor the court reporter can see where you're
12 putting your hands.

13 A Oh, okay. Well, there was a stall that was here that was
14 open. Hers -- her stall was here where her car was at
15 (indicating) and the door of the T-Mobile was about here
16 (indicating). And there was a walkway that you could walk up
17 on.

18 So I got out of the car and went in. And I was
19 explaining to them that I already called someone and talked to
20 them about the SIM cards. And they said to me to give them my
21 phone number and the account number.

22 So I gave it to him. So they was only supposed to
23 give me the SIM cards because I paid for them already. They
24 ran my credit and I was trying to stop them from running it.
25 Because if they would have ran it too many times -- it was on

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 the business account. It would have messed everything up
2 because of what the rep told me the day before. She said
3 don't let them run your credit because it would kick you out
4 and you will have to just do everything all over again.

5 So I stopped him and this is around 7:45. I stopped
6 them. So they told me I had to call the rep back to get the
7 account number so that they can give me the SIM cards.

8 So it started getting late. They started shutting
9 down everything. So the rep finally got on the phone and I'm
10 talking to the rep. And so they said that they had to redo
11 the process all over again because they ran my credit.

12 So I said, okay, so I don't even need to be here
13 anymore because there's nothing they can do. I will have to
14 speak to the rep here because it is a business account and
15 they only deal with personal.

16 So I walked outside --

17 Q Are you happy?

18 A No. I'm not happy.

19 Q Okay. Go ahead.

20 A So I walked outside. I'm still talking to the rep on the
21 phone. We are walking. Well, I was walking this way on the
22 pavement. So I stepped down. I'm about a good --

23 Q You need to make sure you're talking into the microphone.

24 A Right. I'm about a good three feet from where the cars
25 are parked. I'll say about, yeah, three feet from where the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 cars is parked.

2 And I'm on the phone and talking and faced the
3 opposite way and really not paying attention to what was going
4 on this way.

5 So as I was walking, all I heard was her car just she
6 hit her gas really fast and it hit me and my arm. Like it hit
7 me on the side of my body and the arm slapped her trunk. I
8 ran around the side because I spinned. My whole body spinned.
9 I came up and I told her, I said, hey, you just hit me,
10 because she was ready to take off. She was already so far out
11 from the parking space and she was about to pull off.

12 Then she stopped. Her mother had told her to -- hey,
13 I think you just hit that guy. And she stopped and she got
14 out and she was asking me are you all right. I told her, I
15 said, I don't know, you know, tomorrow is a different day.

16 So I sat down for a minute. And she was like are you
17 sure? Are you all right? Or do you want me to call the
18 police or anything? I said, no. I said if it's anything
19 wrong, you know, I would let you know.

20 I asked her did she have any insurance. She said
21 yeah. She gave them to me. I handed -- I didn't have a pen
22 or anything to write her information down, so I had asked
23 Ibrahim to take a picture of it.

24 He took a picture of it and I handed it back to her.
25 And she said are you sure? You don't want me to call an

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 ambulance or anything? I said no. I said I'm still -- I
2 don't know because I'm still in shock or whatnot, you know.

3 So I said I think I should be fine. But then the
4 next day when I went to get up, I couldn't move. I was really
5 sore. So I said I better go to ER to make sure nothing is
6 wrong.

7 Q Where did you go to the hospital?

8 A John C. Lincoln.

9 Q And after having gone to John C. Lincoln, did you
10 eventually get some other medical care?

11 A Yes. I went to a chiropractor. I forgot the name of the
12 chiropractor where I went to. I went there and they treated
13 me. They asked me did I have insurance. I was -- I told
14 them, yeah, I did have insurance because I only -- I had
15 AHCCCS at that time, the AHCCCS insurance. And I gave it to
16 them and they said, oh, okay. So, yeah, we could treat you
17 here. And they did treat me there.

18 She then told me, she said, you know, you should call
19 an attorney. And I said for what. I said I have insurance
20 right here. I'm using it right now. And all I cared about is
21 just getting myself back healed and getting back on my truck.

22 So she -- she gave me the card, Michael Cordover, and
23 told me to give them a call because AHCCCS might not pay for
24 that whole bill.

25 Q Did you continue to go back to that chiropractor?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q How long did you go?

3 A Up until I got arrested.

4 Q Did you ever go see a doctor after that?

5 A Yes.

6 Q Okay. Do you recall when you went to see the doctor?

7 A I think about a week after that.

8 Q Okay. Now, during this time period in April -- how often
9 during the month of April how often were you seeing Simpson?

10 A I seen him only twice during that month of April.

11 Q So you saw him at least on April 6th because he's with you
12 when that accident occurred?

13 A Yes. Right.

14 And then after that I seen him. I don't remember
15 exactly the date but I seen him after.

16 Q Under what kind of circumstances? Did you go and stay at
17 their place?

18 A Well, actually, I had to go to the hospital.

19 Q Pardon me?

20 A I had to go to the hospital. My sugar was really high.
21 They couldn't even -- I couldn't check it on the meter. It
22 wasn't registering. So if it wasn't registering, I know it
23 was over 500.

24 Q Are you diabetic?

25 A Yes.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay.

2 A So it was really high and I wasn't feeling good. Every
3 time I closed my eyes, it felt like I was going to fall out.
4 So I said to myself, I said, I better go get this checked out.
5 So it was -- what is it called -- urgent care that was down
6 the street from where -- from where I live. I went there.
7 It's off of 29th Street and Greenway.

8 I went there and they called the EMS because they
9 thought that I was going to go into a diabetic coma? So I
10 seen him that day.

11 Q He came that day?

12 A Yes.

13 Q Okay. Do you remember when that was?

14 A I don't know, probably the 21st or 20th, somewhere around
15 in that area.

16 Q Okay. Now, I'm going to take you to May 1st now for a
17 moment. May 1st is a Friday.

18 A Yes.

19 Q Did you see Simpson on that day?

20 A Yes.

21 Q Okay. When did you see him on that day?

22 A I got to Jumu'ah and it was about 12:45. I walked in
23 through the back door. Simpson and Nadir --

24 Q Let me stop you because I'm just wanting to get the time.

25 You see him at Jumu'ah on May 1st?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q Correct. And had you seen Simpson the day before on April
3 30th?

4 A No.

5 Q Which would have been a Thursday?

6 A No.

7 Q You're sure?

8 A Yes. I had --

9 Q You didn't have dinner with him at the Afghani restaurant?

10 A No. I cooked myself. I cooked some lamb shanks. And I
11 called Simpson on the phone and asked him to come over to my
12 house to eat the lamb shanks because I haven't seen him in
13 over probably -- he distanced himself for probably, I think,
14 about two or three weeks he distanced himself.

15 He wasn't answering none of my texts or answering the
16 phone calls. So I called him and he finally answered. And I
17 asked him, I said, hey what's going on? You're a hard person
18 to get ahold of.

19 I said, hey, I just made some lamb shanks. Do you
20 want to come over and eat with me. And he was like, yeah,
21 I'll be right over there. I said all right. I be waiting.

22 So he came -- he didn't even come. I sat there for
23 about two-and-a-half hours. It was like five. I called him
24 about 7:30. I called him back. He answered.

25 He said, brother, I'm not going to be able to make

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 it. Something came up. And I said -- I said you know what.
2 I said why would you do that? You could have called me and
3 told me and I could have just ate and been done with it.

4 He went off on me on the phone. He said: Why do you
5 always got to think that something is wrong -- because I was
6 asking him what's going on with him. Where he -- why is he
7 distancing himself.

8 So he flipped out on me on the phone. So I just said
9 to him, I said, hey, look, I'm sorry for even calling you. I
10 apologize for even calling you. I'm going to hang up the
11 phone before we get into a really big argument.

12 So I said "salam alaykum" and hung up and I didn't
13 talk to him anymore that night.

14 The next day is when I went to Jumu'ah. When I went
15 to Jumu'ah, I seen him and Nadir. My nephews were sitting --
16 my nephew had just came in from Philadelphia.

17 Q This is Hakeem?

18 A Yes. Hakeem.

19 Q This is the one who left and couldn't get on the plane
20 before?

21 A Yes. And Hakeem -- Saleem had went and picked him up and
22 they went from the airport straight to Jumu'ah. They were
23 sitting in front of Nadir and Ibrahim. I was sitting in the
24 back of the masjid and so I can get out the door quick because
25 I didn't want to talk to Ibrahim.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 So when it was over, I walked out the back door and
2 Saabir Nurse was to the right and he had called me and I
3 walked over to him. I was like I'm trying to hurry up and get
4 away because I don't feel like dealing with Ibrahim.

5 So when I went to Saabir, I shook his hand and gave
6 him salams and said to him -- I said what's going on brother?
7 He said nothing much. I said I'm trying to get my car --
8 prepare my car so I can get my nephew's stuff in there.

9 So Ibrahim ran out and he saw me and he ran up to me.
10 And he said, brother, I apologize for yelling at you yesterday
11 right over the phone. I apologize to you.

12 Excuse me. Excuse me.

13 THE COURT: You know, it's about time for us to take
14 our afternoon break anyway. We will break until three
15 o'clock.

16 Ladies and gentlemen, you are reminded of the usual
17 admonitions. Court is in recess until three o'clock.

18 (Recess taken at 2:42 p.m.; resumed at 3:00 p.m.)

19 THE COURT: Thank you, ladies and gentlemen. Please
20 sit down. The record will show the presence of the jury,
21 counsel, and the defendant.

22 Please continue with your questioning, Mr. Maynard.

23 BY MR. MAYNARD:

24 Q All right. Where we ended was you saw Simpson after
25 Jumu'ah on May 1st and he's asked you to accept his apology.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Did you ever see him after that?

2 A No.

3 Q Okay. Did you -- did you invite him to your house?

4 A Yes. I invited him, Nadir and Saabir to my house for
5 dinner because Hakeem had just got back in town. And I
6 realized after -- why I -- yeah. I realized about -- I'll say
7 an hour after -- after leaving, I was like I'm not going to be
8 able to cook that. It's going to take too long to cook
9 because I --

10 Q Well, let me stop you. You're jumping ahead too much.

11 Are you -- you're there at the Jumu'ah?

12 A Yes.

13 Q Okay. Do you invite a number of people to come to dinner
14 at your house?

15 A Yes.

16 Q All right. What do you do next after that?

17 A Me and Hakeem went to my house because Hakeem was hungry.

18 Q Why is it that Hakeem is staying with you and not staying
19 with his own brother?

20 A Well, as a Muslim, if -- if you are married, he's not
21 allowed to be there with his wife -- with Saleem's wife unless
22 he's married and he has his wife there. He wouldn't -- you
23 wouldn't -- you were not allow to be there with his wife,
24 being there with his wife.

25 Q After you go back to your place, did Hakeem leave or what

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 happens?

2 A Yes. Hakeem eats and I try to rush down to Bay's Market
3 to go purchase --

4 Q Do you go from -- I mean, you eat there and then what do
5 you do?

6 A Well, I was -- well, I eat there. And then I go to my
7 chiropractor.

8 Q You had a chiropractic appointment that day?

9 A Yes.

10 Q How long does that last?

11 A Probably, about an hour.

12 Q So what time are we now after the chiropractic
13 appointment?

14 A It's like 4:00, about 4:00 something, yeah.

15 Q Then what do you do?

16 A I try to rush down to Bay's Market to get the meat. It's
17 really getting dark now. And I just called everybody to tell
18 them I'm trying to -- I will get down there to get the meat
19 but it's too late. I'm not going to be able to --

20 Q Well, if it's four o'clock and it's in May, is it dark?

21 A It's -- no not dark yet.

22 Q All right. Let's back you up. What time was Jumu'ah over
23 with?

24 A Jumu'ah was over with around 2:30.

25 Q Okay. So you then go to your house to eat?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q And Hakeem eats?

3 A Yes.

4 Q And then where is your chiropractic appointment?

5 A Probably, about a mile down the road.

6 Q So you then go to that?

7 A Yes.

8 Q And then you go to a market to buy the meat?

9 A Yes. And the market is on 20th Street and Van Buren.

10 Q Okay. And where was the chiropractic appointment?

11 A Cave Creek and Greenway. So it's about a mile down the
12 road.

13 Q So you get and you buy -- what kind of meat do you buy?

14 A Goat.

15 Q And what are you going to cook?

16 A Curry goat, Jamaican-style curry goat.

17 Q I'm sorry. What?

18 A Curry goat. Jamaican-style curry goat.

19 Q Do you decide not to have the dinner that night?

20 A Yes.

21 Q Do you text anybody or what do you do?

22 A Yes. I text Simpson and he didn't respond back right then
23 and there. I text everybody else that was -- that was invited
24 and they didn't -- they didn't respond back.

25 So I text him to tell him that I wasn't going to cook

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 that day. I was going to cook the next day. And he text me
2 back and said, brother, I know you hooked it up. I'm sorry
3 for throwing punches at you over the phone and he wasn't going
4 to be able to make it.

5 Q When the text said "I'm sorry throwing punches over the
6 phone," what did you understand that to mean?

7 A I understood that that was for Thursday that he was
8 supposed to come over and eat that day, I mean, for that
9 Thursday the 30th.

10 Q Did you eventually cook the curried goat?

11 A Yes. I did cook it that night. I tried preparing it and
12 I started cooking it that night because it was a lot of -- a
13 lot of meat that I was going to be cooking.

14 Q And did you have people come over to your place the next
15 day?

16 A Yes. People showed up. Abdullah Mubarak, my nephews,
17 Saleem did, quite -- a couple other brothers did. But I text
18 Simpson and he didn't show. He didn't call. He didn't -- no
19 nothing.

20 Q Was the last time you heard from Elton Simpson the time
21 you got the text that said I'm sorry for throwing punches?

22 A Yes.

23 Q Okay. Now, on -- I'm going to move to May 3rd.

24 On May 3rd in the evening, where are you eating
25 dinner?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Me and Hakeem went to Red Lobster.

2 Q And did you receive a phone call that evening?

3 A Yes. I did receive a phone call from Saleem.

4 Q And what, if anything, did you do after you got that phone
5 call from Saleem?

6 A Well, Saleem had called and I told -- I told Hakeem to
7 pick up the phone and answer it. And Hakeem picked up the
8 phone and I believe he gave it back to me.

9 And I took it and Saleem told me that -- don't go
10 over to Nadir's and Ibrahim's house because he just got
11 stopped by the police because something happened in Texas. He
12 believed that Dunston -- Dunston had called him and told him
13 that Ibrahim -- to go and check on Ibrahim at the house. A
14 reporter had called and said that Ibrahim was in a -- some
15 type of shooting or something.

16 Q What did you do after you had that phone conversation?

17 A I stopped eating and boxed up -- asked the waiter to box
18 up my food. And I left from there. I drove over to Simpson
19 and them apartment. I couldn't get inside because it was
20 police everywhere. Cops all over. Yellow tape everywhere.

21 So I just went -- I drove by a couple of times and I
22 drove to my house. And then I said to myself I will come back
23 and I drove back over towards Abdul Khabir's house.

24 Q Did you attempt to contact Abdul Khabir?

25 A Yeah. I text him and I was telling him I have to tell him

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 something to talk to him. It was real important. To unblock
2 my phone number. And I tried calling him and calling him and
3 he wouldn't answer so I drove over there.

4 Q Okay. Did you -- did Abdul Khabir come with you?

5 A Yes, he did.

6 Q And what did you guys do at that point --

7 A Well --

8 Q Who's in the car after you stopped at Abdul Khabir's
9 house?

10 A It's Hakeem. Hakeem and me and Abdul Khabir.

11 Q Where do you go from Abdul Khabir's house?

12 A I drove back to Simpson's house. And the interest where
13 all the police was at -- well, they just had their cars lined
14 up right there so nobody could get in and they blocked the
15 other entrances so you couldn't get in. But it's another
16 entrance that you can go in on the other side of the complex.

17 So I went in on that side so I can get around to the
18 back so I could see Simpson's apartment.

19 And I got around there and there was SWAT team -- it
20 was a SWAT -- it was police everywhere all around -- all
21 around the backend of it.

22 Me and Abdul Khabir -- I told him because I thought
23 that they had got killed there in the apartment.

24 Q Why did you think they were killed there at the apartment?

25 A Because when I drove by the first time, it looked like it

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 was blue tarps, like blue tarps on the ground. And I was,
2 like, that must be their bodies right there.

3 So I told Abdul Khabir let's go up to the front and
4 see if we could see their bodies.

5 And Hakeem started yelling and telling me, no, don't
6 get out of the car. Don't go over there because you might get
7 questioned. And they might keep you guys there. And we just
8 stopped for a minute. And it was, like, yeah. So we just
9 stayed and watched the SWAT team try to enter the apartment.

10 So we just -- after that I just said, you know what,
11 we just might as well get out of here. So we left from there
12 and I -- because we still wasn't even sure who -- if they got
13 killed or not. So we drove to Simpson' dad's house that's
14 not -- it's about five miles away.

15 Q Had you ever been to Simpson's father's house before?

16 A Yes. I have. I been there a couple times with Elton and
17 I also cleaned their carpet and their furniture for them.

18 Q Do you have a recollection of approximately what time you
19 got to Simpson's father's house?

20 A Probably, like around -- I don't really remember. I know
21 it was pretty late.

22 Q And what did you do when you got there?

23 A I knocked on the door and he came to the door. He came
24 outside, actually, and we were standing in front of his door.
25 And he was asking me what was Elton into and I told him. He

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 said I thought he was still working. I was, like, I don't
2 know if he is or not. You know what I mean? I found out from
3 Saabir later that he wasn't. He had stopped working in
4 January.

5 Q Well, let's talk about what did Mr. Simpson -- what did
6 you guys do then?

7 A He asked me -- he asked me did I -- what was Simpson into
8 and told him I don't know. He -- I asked him had he heard
9 anything about Simpson. He said to me no but some stuff came
10 on on the TV. So he had a DVR. A DVR. He rewinded back the
11 DVR.

12 Q Did he invite you guys in the house?

13 A Yes. We went --

14 Q Who went in the house?

15 A Me, Hakeem, and Abdul Khabir.

16 Q And then he turns on the TV?

17 A Yes. He turned it on and he plays it. And it's an
18 overshot of the vehicle that Elton Simpson -- Elton Simpson
19 was in. And I looked at it and I was like that looks like
20 Nadir's car but it was a distance away.

21 But he got on the computer. When he got on the
22 computer, then I could see, so.

23 Q So you're looking at a newscast at the car?

24 A Right.

25 Q Okay. You thought it looked like Nadir's car?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yeah. I thought it did.

2 Q How long did you stay at Mr. Simpson's house?

3 A Probably about a half an hour.

4 Q Okay. And then what did you do?

5 A Because we didn't know. We didn't know. We took off and
6 left so.

7 Q What did you do?

8 A We left.

9 Q Okay. Then what did you do?

10 A I dropped Khabir off and then I went home.

11 Q Okay. At some point did you learn that Simpson and Soofi
12 had been killed in Garland, Texas?

13 A It was the next day. Khabir had sent me a text and told
14 me if I was to type in Elton's name, if I was to type in his
15 name, his picture would pop up and I believed that they are
16 dead in Texas.

17 Q Prior to May 3rd and hearing about this -- getting the
18 phone calls -- had you ever heard of the Muhammad drawing or
19 cartoon contest that was going on in Garland, Texas?

20 A No.

21 Q Did you have any idea that Simpson and Soofi were going to
22 Texas?

23 A No.

24 Q Did you know that they were leaving town?

25 A No.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay. Had you ever heard them talk about going to this
2 contest to avenge the Prophet?

3 A No.

4 Q Did you attend Simpson's funeral?

5 A Yes, I did.

6 Q Did you attend Nadir's funeral?

7 A No.

8 Q Now, after this incident occurred on May 3rd, did you get
9 a call from the FBI?

10 A Yes. I did get a call. I think it was May 4th. It was
11 the next day. They called me and asked me can I come in to
12 talk to them. Then on -- that's -- they asked can I come in
13 on the 5th to talk to them. May 5th.

14 Q So did you talk to the FBI on May 5th?

15 A Yes, I did.

16 Q And was the person you talked to Agent Whitson?

17 A Yes. That was one of the agents.

18 Q And who was the other agent?

19 A Nash.

20 Q And had you met Nash before?

21 A Yes, I have.

22 Q Was he the one who gave you back your computer initially?

23 A Yes.

24 Q Okay. Now, when you went in to meet with Agent Whitson,
25 did you take a lawyer with you?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No.

2 Q Did they tell you that you were being taped?

3 A No.

4 Q Okay. Where did the interview take place?

5 A I think it was on 7th Avenue and Deer Valley.

6 Q And did you understand that that was the FBI headquarters?

7 A Yes.

8 Q Here in Phoenix?

9 A Yes.

10 Q Okay. And approximately how long did you meet with them?

11 A I want to say it was probably about two hours.

12 Q Was your nephew with you when you went?

13 A Yes.

14 Q Okay. Did he go into the interview room with you?

15 A No. He was in the car.

16 Q Okay. Afterwards, after this May 5th interview, did you
17 have the occasion to go back out to the FBI's office?

18 A Yes.

19 Q And when was the next time you went to their office?

20 A When I noticed that I was being followed.

21 Q Okay. How did you notice that you were being followed?

22 A Well, the officers -- well, they were -- they almost made
23 me get into an accident. Like three or four times they cut me
24 off, they stepped on the brakes, almost caused me to get
T-boned. I know it was the FBI.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 And when I went to come and get in my car, somebody
2 had been tampering with my car. So I called them to find out
3 if they put a tracking device on my vehicle which they told me
4 no they didn't. And then later I find out they did so.

5 Q Did you actually go to the FBI headquarters to meet them?

6 A Yes. I sat there to talk to someone for about 45 minutes.
7 45 minutes I sat down there to talk to someone. No one came
8 down. I waited. I had an appointment to go to, a
9 chiropractor appointment. I sat there and waited and waited
10 for them and no one came down to talk to me.

11 Q And did you get a -- did you finally leave the FBI's
12 office?

13 A Yes.

14 Q That day?

15 A Yes, I did, that day. But the interview before that with
16 my nephew in there, now I was there for a while and I wasn't
17 feeling great and I was asking them to leave.

18 They kept telling me we only have a few more
19 questions for you. And that was Agent Whitson, the one that
20 was telling me, oh, we only got a new more questions.

21 So I was there and I kept telling them that I'm not
22 feeling good, not feeling good. Afterwards, we did -- I did
23 leave. Whitson said that he walked -- he didn't walk me
24 outside. He did walk me outside. He walked me to the gate.

25 I noticed my nephew wasn't in the car. I yelled back

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 to him and I told him, I said, can you get my keys from my
2 nephew. I need to take my medication. He said okay. He --
3 they didn't come back with my keys for about another hour to
4 give me my keys and I sat outside while they had my nephew
5 inside. My blood sugar went sky rocket.

6 Q Are you talking -- are you telling us now about the
7 interview that you had on May 5th?

8 A Yes.

9 Q Okay. I have moved off of that.

10 Let me move to the time that you went there because
11 I'm getting confused.

12 A Sorry.

13 Q Did you go back a second time?

14 A Yes. The second -- the second time I did go back and that
15 was to get -- to talk to Agent Whitson about the cars
16 following me.

17 Q Okay. And did anybody come out and talk to you?

18 A No.

19 Q Did you get a phone call from the FBI after that?

20 A Around June 10th -- yeah, from -- I got a phone call the
21 same day and I was on my way to the chiropractor.

22 Q But you didn't meet with anybody that particular day?

23 A No.

24 Q Okay. Now, you believed that you were being followed
25 after this?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q Okay. Did -- at some point did you -- after this May 5th
3 interview, at some point did you hire Stefan Verdugo to come
4 back and work for you?

5 A He called me and asked me did I have any work for him. I
6 told him, yes, I have a job right now that's going. These
7 guys, they need help with a floor being put in. If you want
8 to help them, you could.

9 Q And did he come to work for you for some period of time?

10 A Yes. He was supposed to work that day, but the guys said
11 that he came and just took off.

12 Q Okay. Did you have any understanding that your telephone
13 conversations with Stefan Verdugo were being taped?

14 A No.

15 Q Did you have any understanding that Stefan Verdugo was
16 wearing a body wire and taping your conversations?

17 A No.

18 Q Okay. Now, did you get a telephone call from Ali Soofi
19 after his brother died?

20 A Yes, I did.

21 Q Was that unusual for any reason? Had you ever gotten a
22 phone call from Ali Soofi before?

23 A No.

24 Q Did you speak to him on the phone?

25 A Yes, I did.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Did you tell him not to talk to the FBI?

2 A I don't remember saying anything like that.

3 Q Okay. In fact, did you ask him when he was coming back to
4 Phoenix?

5 A Yes, I did. I asked him how he was feeling and how was
6 he. And I told him that I'm about to -- I'm about to get on
7 Google and -- well, my company is about to get on. They
8 optimized the site and I'm going to need some help. If you
9 come back, I do have a room for you. And he said I will take
10 you up on that. But I other than that, I didn't hear
11 anything.

12 Q Now, when you're arrested on June 10th, had you been
13 working that day?

14 A Yes.

15 Q Had you moved somebody?

16 A Yes.

17 Q When they arrested you, you had a gun both in the truck
18 and you had one at your house?

19 A Yes.

20 Q If you thought the FBI was following you, why didn't you
21 get rid of your guns?

22 A I didn't think anything was of it. I didn't think
23 anything.

24 Q Did you know that a felon wasn't supposed to carry guns?

25 A Yes. But I didn't think that I was a felon at that time

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 because I thought that after so many years that the felon
2 would drop off.

3 Q You also had a lot of CDs by an individual by the name of
4 Anwar al-Awlaki.

5 A Yes.

6 Q Did you think there was anything wrong with those CDs that
7 you had?

8 A No.

9 Q I was going to ask you why you didn't get rid of them.

10 A Because I didn't think anything was wrong with them.

11 Q Had you listened to those CDs?

12 A For about five years.

13 Q Would you listen to them in your car?

14 A Yes.

15 Q When you met with the FBI on May 5th, the time that we've
16 talked about before, that meeting takes about two hours?

17 A Yes.

18 Q Do you remember talking to the FBI about whether or not
19 you were familiar with an individual by the name of Faisal or
20 Faisal?

21 A Yes. I remember them saying, well, it was Ibrahim had
22 said something to me about him in 2012.

23 And in 2013 he told me that an individual by the name
24 of Yaya (ph) that he would go over that person's house and
25 they would get him on the computer and talk live with this

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 guy.

2 Q Had you ever participated in any communication with Faisal
3 or Faisal?

4 A No.

5 Q Did you know who he was?

6 A No.

7 Q Did you have any understanding that he was a Jamaican
8 Imam?

9 A No. I knew that he was an Imam, but other than, I never
10 met the guy.

11 Q You never met him? Never talked to him?

12 A Never. Never.

13 Q Never communicated with him?

14 A No.

15 Q Never read any of his stuff that you knew of?

16 A Never.

17 Q Did you advise the FBI that Simpson had told you he had
18 talked to this fellow but not in your presence?

19 A Right.

20 Q Did you tell them -- did you tell Agent Whitson who you
21 thought Simpson had been with when he talked to this
22 individual?

23 A Yes.

24 Q And who was that?

25 A I don't know his real name, his birth name, but I just

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 know him by Yaya.

2 Q Was he somebody that attended the masjid that you
3 attended.

4 A No. He didn't go to the masjid that I attended. He
5 attended the masjid on 32nd Street and McDowell.

6 Q And was this somebody that you understood was friendly
7 with Simpson?

8 A Yes.

9 Q Did you ever have a Twitter account?

10 A No.

11 Q Were you aware whether or not Simpson had a Twitter
12 account?

13 A No. I wasn't aware until after his death.

14 Q There's been a lot of discussion in this case that you
15 have been sitting here about the Twitter account.

16 A Yes.

17 Q Did you ever sit there and watch Simpson's Twitter
18 account?

19 A No. He wouldn't let nobody sit and watch him tweet or
20 text or anything.

21 Q Did you know whether he was tweeting or texting or what he
22 was doing?

23 A No.

24 MR. MAYNARD: Can the witness be shown Exhibit 351 or
25 can I approach so I can put it on the computer?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: Yes.

2 BY MR. MAYNARD:

3 Q All right. I'm going to show you what's been marked as
4 351. Prior to this lawsuit had you ever seen this document
5 before?

6 A You say prior to this lawsuit?

7 Q Prior to your being charged in this case.

8 A No. I never seen this document before.

9 Q Did -- did Simpson ever give you a list of any individuals
10 that he said you should read?

11 A No.

12 Q Okay. Looking at this, do you know who the first
13 individual is?

14 A No.

15 Q Do you know Imam Anwar al-Awlaki?

16 A Yes.

17 Q And how do you know who Imam Anwar al-Awlaki is?

18 A I have his CDs.

19 Q And how long have you had those CDs?

20 A About five, six years.

21 Q Okay. The third one Sheikh Azzam, had you ever heard of
22 him before?

23 A No.

24 Q The next one. Sheikh Abu Mohammed al-Adnani, had you ever
25 heard of him before?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No.

2 Q The fifth one, Abu Bakr al-Baghdadi, had you ever heard of
3 him before?

4 A Only time I heard of him is now in the courtroom.

5 Q Okay. There was a fair amount of discussion in this case
6 about a khalif, a khalifate, a khalifah.

7 At some point did Simpson and Soofi tell you that
8 there was a Khalifah?

9 A Yes.

10 Q Did you have an understanding of who that was?

11 A I know a khalif, but I didn't think that it was a
12 Khilafah. I talked to -- when they said it to me, I spoke to
13 Abdul Mubarak and I said to him, I said, they were there
14 telling me that there is a Khilafah.

15 And he said don't listen to them. He said as a
16 matter of fact, I'm going to call my son and he called his son
17 and his son was telling me on the phone it's no Khilafah. And
18 I told him I know it's not.

19 Q Did you -- did they tell you that the person, whoever that
20 was that was the head of ISIS, was the new Khilafah?

21 A No. He didn't say the head of ISIS. They just said
22 khalif. They didn't say who.

23 Q Did you know who al-Zarquawi was?

24 A No.

25 Q Did you know who the last individual, Sheikh Ahmed Jabril?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A No.

2 Q But you had heard of Faisal at some point?

3 A Yes.

4 Q And you told the FBI that?

5 A Yes.

6 Q Now, after you have interviewed with the FBI on May 5th
7 and you believed that they are following you, all right, did
8 you buy a new computer or notebook?

9 A Yes.

10 Q What did you buy?

11 A A Nextbook.

12 Q What is a Nextbook?

13 A It's a tablet/laptop.

14 Q Okay. Why did you buy a Nextbook?

15 A Well, Hakeem had one that -- a tablet for himself. And I
16 told him, I said, well, you know what, I want to get something
17 that's a little faster than this tablet that I got. It was
18 kind of cheap.

19 And I needed something so that I could use it when
20 I'm sliding credit cards or taking -- process orders over the
21 phone. So I told him I would give him that one and go get
22 another one. And so I did and I think -- I don't remember
23 around about the date when I got it.

24 Q But it was after Simpson and Soofi had been killed?

25 A Yes.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And it's prior to your being arrested on June 10th?

2 A Yes.

3 Q Okay. If you think the FBI is following you, I mean, are
4 you looking at radical materials at this point?

5 A No. I never looked at radical materials.

6 Q Okay. That was going to be my next question.

7 I mean, did you ever download what you thought were
8 radical materials or jihadist-type materials?

9 A No. I never watched any of that stuff.

10 Q At some point did you have a conversation with AK about
11 whether or not Simpson was interested in doing an attack on a
12 military base?

13 A I don't really recall Simpson saying something to me, but
14 I recall AK saying something but I didn't think anything of
15 it.

16 Q Just a moment, Your Honor.

17 Now you were arrested on June 10th of 2015, correct?

18 A Yes.

19 Q Where are you when you get arrested?

20 A I was -- I pulled into a gas station to get some water, a
21 Valero gas station off of 51st Avenue and I want to say
22 Baseline.

23 Q Okay. And does the FBI tell you that you're under arrest
24 at that point?

25 A No.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay. At some point do they tell you that you're under
2 arrest?

3 A Yes. When I went to the headquarters.

4 Q Are you in handcuffs?

5 A Yes.

6 Q Okay. They put you into a room?

7 A Yes.

8 Q And Agent Whitson then comes in to talk to you?

9 A Yes.

10 Q Okay. He gave you your Miranda warnings, so you were
11 entitled to get a lawyer at that time.

12 A Right.

13 Q Why didn't you call for a lawyer?

14 A I didn't think I needed one right there and I wasn't
15 hiding anything.

16 MR. MAYNARD: Just a moment, Your Honor.

17 I don't have any further questions, Your Honor.

18 THE COURT: Mr. Koehler.

19 MR. KOEHLER: If I can have just a couple minutes to
20 organize things here, please.

21 May I approach the clerk?

22 THE COURT: Yes.

23 MR. KOEHLER: May the clerk now please approach the
24 witness with Exhibits 612 and 613.

25 While that is happening, I would like to move the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 laptop over here to the lectern.

2 THE COURT: Sure.

3 **CROSS EXAMINATION**

4 BY MR. KOEHLER:

5 Q Sir, are you looking at Exhibit 613?

6 A Yes.

7 Q You recognize that, right?

8 A Are these e-mails?

9 Q That's the full printout of the text messages from your
10 cell phone. Am I right?

11 A Okay.

12 Q And the dates on those messages range from approximately
13 March of 2015 through May of 2015, early May?

14 A Okay.

15 Q Is that correct?

16 THE COURT: Are you saying "okay" because you're
17 taking his word for it or because you have been able to verify
18 that from looking at it?

19 THE WITNESS: No. I'm looking at this. It is
20 starting off May 5th.

21 MR. KOEHLER: That's the top and it goes backward in
22 time, right?

23 THE WITNESS: Yeah.

24 BY MR. KOEHLER:

25 Q So let's go back to April 6th, which is at page 285 if

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 you'll look in the upper right-hand corner of that document.

2 A 285?

3 Q 285.

4 A Okay.

5 Q Do you recognize the text messages that you have there
6 starting with the one that says "Ibrahim" with a "2" and then
7 an asterisk at April 6, 2015 and it's 8:07 p.m. on the
8 Universal Time Clock which means it was 1:07 Arizona time.

9 Do you recognize that?

10 A Yes.

11 Q And is that a correct version of the text that you sent to
12 Ibrahim that day?

13 A I'm looking at it.

14 Q I'm sorry?

15 A There's a couple of them.

16 Q If you look in the left-hand column, it has the number
17 2881 in the far left-hand column. It's about two-thirds of
18 the way down the page.

19 A Yes.

20 MR. MAYNARD: Your Honor, I just want to get
21 oriented. I'm not sure where we are. If it's page 285 --

22 Oh. 2881. Okay.

23 BY MR. KOEHLER:

24 Q I would like you to read through your text messages
25 working your way up from that one to the top of the page.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: Just to yourself, please.

2 BY MR. KOEHLER:

3 Q Do you recognize those text messages?

4 A Yes.

5 Q Those are messages that you exchanged with Ibrahim on
6 April 6th of 2015; is that correct?

7 A Yes.

8 Q Based on seeing that and seeing the rest of these, would
9 you agree this is a true and accurate depiction of your text
10 messages in that time frame?

11 MR. MAYNARD: Objection, Your Honor. Objection. We
12 have just gotten this document. It appears to be 300 --

13 THE COURT: Well, first of all, I agree that he just
14 looked at one page and it's -- I don't know how many. I'll
15 call it "a whole lot" of pages. It looks like it's about an
16 inch-and-a-half to two inches thick. He cannot possibly
17 answer that question.

18 MR. KOEHLER: I'm just going to ask about one page at
19 a time.

20 THE COURT: Okay. Well, then, don't ask him the
21 question about all -- I don't know how many pages are there?
22 They're numbered. 280-some.

23 MR. KOEHLER: Well, it starts with page 180 and then
24 goes to page 341.

25 THE COURT: So about 160 pages?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MR. KOEHLER: Correct.

2 THE COURT: Okay. Well, there's no way that he can
3 verify that all 160 pages are true and accurate copies of his
4 e-mails.

5 MR. KOEHLER: I understand.

6 THE COURT: So the objection is sustained.

7 But if you want to ask him about a specific page and
8 he can identify it, we can go forward page by page.

9 MR. KOEHLER: Right.

10 THE COURT: Hopefully, not all 160 of them.

11 MR. KOEHLER: I promise not to do that, Your Honor.

12 BY MR. KOEHLER:

13 Q All right. Let's talk about April 6, 2015. Do you see
14 that; is that correct?

15 A Yes.

16 Q And you're talking to Mr. Simpson in these conversations
17 starting with that 2881 and working your way up to 2875 on
18 that left-hand column?

19 A Yes.

20 Q And the first one was you inviting him and AK to go out
21 and get Chia, right?

22 A Well, they invited me because he talked to me and then he
23 text.

24 Q So he texted you --

25 A So I don't know if this is -- I don't know if this is

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 outgoing or ingoing.

2 Q He texted you and said:

3 Hey, you, me and AK should go and get Chia, is that?

4 A Yes. On both of these texts he texted me and the third
5 one he texted me and the third one up I said okay.

6 Q Right. And so he's asking you out to go get Chia and a
7 snack, right?

8 MR. MAYNARD: Your Honor, can we get some
9 foundation on this document? I can't tell who's coming in,
10 who is sending the text, who is receiving the text.

11 THE COURT: Well, we're not going to get it from the
12 witness.

13 MR. MAYNARD: Well, I don't know how the witness can
14 testify about it when I can't read it.

15 THE COURT: Well, he can only testify about it if he
16 recognizes them as being text messages that he received or
17 sent on his phone.

18 BY MR. KOEHLER:

19 Q So you do recognize that as something you sent from your
20 phone, is that correct, and received on your phone?

21 A Which one? Which one?

22 THE COURT: The ones about going to get Chia and you
23 respond back "okay."

24 THE WITNESS: Yeah. I don't know if these are sent
25 or --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 BY MR. KOEHLER:

2 Q Okay. I want to refer you to the second column from the
3 left where it says "sent" or "inbox."

4 Does that help you understand which direction the
5 messages went?

6 A All right. Yes, I see.

7 Q Okay. So he proposed going to get Chai and a snack at
8 about seven minutes after 1:00 in the afternoon; is that
9 right? 8:07 on the Universal Time Clock?

10 A Right.

11 Q And then you said "okay"?

12 A Right.

13 Q And a little while later, probably about in about an
14 hour-and-a-half later he asked you if you went out; is that
15 right?

16 A Yes.

17 Q And then you responded back to him that you needed to go
18 get a prescription and get dressed and you just got out of the
19 house; is that right?

20 A I don't know if I just got out of the house.

21 Q But you just got out, right?

22 A Yeah. I only been --

23 Q And he texted back and said "how long you think"; is that
24 right?

25 A Right.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay. So is that a pretty normal conversation between the
2 two of you?

3 A Yes.

4 Q I'm going to take you to page 266 of the same document.

5 THE COURT: Could you give him a date too?

6 MR. KOEHLER: Once we get there, I will, yes.

7 BY MR. KOEHLER:

8 Q If you look at that upper right corner at page 266.

9 A Okay.

10 Q Do you see that there?

11 A Yes.

12 Q Okay. And going down to No. 2670, the date is April 13,
13 2015. It says 2:31:59 a.m. which is actually seven hours
14 ahead of Arizona on the Universal Time Clock. So that would
15 actually make it April 12th at --

16 MR. MAYNARD: There's a lack of foundation on this.

17 THE COURT: Yes. I mean, you're telling him it's the
18 Universal Time Clock and you're telling him what time it is.
19 But he doesn't --

20 MR. KOEHLER: We heard --

21 THE COURT: Well, this is a new exhibit. There is
22 nobody that's told us whether there is on the Universal Time
23 Clock or it has been converted. We have seen different
24 documents with --

25 MR. MAYNARD: I don't know what phone these come

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 from. You know, when he says it's in or it's out, I don't
2 know if it's his phone.

3 THE COURT: Well, let's just get Mr. Koehler to stop
4 testifying about what the times are and you can ask him to
5 review certain text messages. And if he recognizes them as
6 being sent or received on his phone, then we can go forward.

7 BY MR. KOEHLER:

8 Q So am I correct that on or about April 12 of 2015 that
9 evening you texted to Ibrahim?

10 A April 12. You just said this is April 13th.

11 Q The question I'm asking you is based on the Universal Time
12 Clock stamp.

13 THE COURT: What Universal Time Clock stamp?

14 MR. KOEHLER: That's in the document.

15 THE COURT: Does it show that it's a universal -- I'm
16 handicapped by not having a copy of this.

17 MR. KOEHLER: Oh. I gave it -- I gave one to the
18 clerk and he has the other. I'll bring this up to you, Your
19 Honor. May I approach?

20 THE COURT: Yes. Oh, it does say "UTC."

21 MR. KOEHLER: Yes.

22 THE COURT: Which I think prior testimony said that
23 was the Universal Time Clock. And so that you had to subtract
24 seven hours to convert it to Mountain Standard Time.

25 MR. MAYNARD: I think depending on the time of the

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 year it's either seven or eight. I'm not sure.

2 THE COURT: Well, the time of the year -- no, it
3 doesn't. It's always Mountain Standard Time.

4 MR. MAYNARD: Well, but we're on Mountain Standard.

5 THE COURT: It's always Mountain Standard Time here
6 in Arizona. We don't have any other time in Arizona.

7 So anyway, I want to go back. It does say Universal
8 Time Clock. I'm going to ask you, Mr. Kareem, based on prior
9 testimony to just assume that that means that the actual time
10 was about seven hours earlier.

11 So if it said something like one o'clock in the
12 morning on April 13th, that would actually mean in Arizona it
13 was seven hours earlier on April 12th sometime in the evening.
14 I'm not doing the math.

15 So we're back at 267. Do you want your document
16 back, Mr. Koehler.

17 MR. KOEHLER: No. I have another copy here.

18 THE COURT: Oh, okay.

19 MR. KOEHLER: And I apologize for the confusion. I
20 didn't realize what I had done with the extra copy.

21 BY MR. KOEHLER:

22 Q Okay. So April 13, 2:31:59 a.m. translates to
23 approximately 7:31:59 p.m. on April 12th in Arizona.

24 Knowing that and reading the text next to that:

25 Brother, did you say to Ibrahim that you were about

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 to go pick up AK and did he want you to pick him up on the
2 way?

3 A Yes.

4 Q And did you then tell him that dinner was ready just a
5 couple of minutes after that?

6 A Yes.

7 Q And then he responded that it was okay?

8 A Yes.

9 Q And then the next one he responded you can?

10 A Yes.

11 Q Again, another typical conversation with him; is that
12 right?

13 A Right.

14 Q And this is about three weeks before the event in Garland,
15 Texas?

16 A Right.

17 Q And so in both of those conversations you had arranged to
18 meet him; is that right?

19 A Well, they were going to come over to my house.

20 Q I'm sorry?

21 A They were going to come over to my house.

22 Q Okay. So both of those times they were going to come over
23 to your house?

24 A No. The first time, April 6th, we were -- we went out to
25 go eat.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Okay. And the second time, the 13th, they were coming
2 over to your house?

3 A Right.

4 Q And you were going to go pick them both up because AK
5 rides a bicycle; is that right?

6 A Yes. I did go pick them up.

7 Q And that was April 12th?

8 A Right.

9 Q Okay. Now, skipping ahead another day to April --

10 A That would have been April 13th.

11 Q The next day April 13th?

12 A This thing is off. All off.

13 Q It's seven hours ahead, correct?

14 A The dates are off.

15 Q Well, if you skip ahead -- if it's in the evening and you
16 skip an ahead seven hours, you get the next day, right?

17 A I don't know if this is accurate or not, so.

18 Q Okay. So the following day you showed up outside of
19 Simpson's place; is that right?

20 I want to direct you to page 263, the bottom of the
21 page.

22 The Universal Time Clock date on there is April 14,
23 2015, at 2:36 a.m. which translates to the 13th at 7:36 p.m.?

24 A Yes.

25 Q So this is one day later and you're outside to pick up

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Elton Simpson again; is that right?

2 A That was all in one day. I don't know how you guys got
3 this going, but that text was all in one day. It wasn't split
4 up.

5 Q So I would like you to read --

6 A When I read my text of the texts that I have, it's all in
7 one day and not skip to different days.

8 THE COURT: So are you saying this was the day where
9 you are making arrangements to pick them up and then you took
10 them to your house for dinner?

11 THE WITNESS: Yes. These all are different dates.

12 BY MR. KOEHLER:

13 Q So you're saying --

14 A I can't say this document is correct because to me I know
15 how I text. And me jumping from different pages and saying
16 different dates, this is how this is all wrong.

17 Q Okay. So in your opinion --

18 A I know it's off.

19 Q These are not your text messages?

20 A I know it's off is my opinion.

21 Q So it is a fact in your mind that the record of your texts
22 is off?

23 MR. MAYNARD: Objection to the form of the question.

24 THE COURT: Sustained.

25 There isn't any foundation for this report, Mr.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Koehler.

2 Since we just are all seeing it for the first time
3 today, no witness has testified about it and anything that we
4 have been told about it, we have been told about it by you and
5 you are not a witness.

6 MR. KOEHLER: We'll come back to that.

7 BY MR. KOEHLER:

8 Q All right. I want to move forward now to page 255, record
9 No. 2557. It's about three-quarters of the way down the page.

10 A You said 255?

11 Q Page 255.

12 A Okay.

13 Q Now, going down to record 2557, the Universal Time Stamp
14 on that says April 17 at 12:36 a.m. which would make it about
15 5:36 p.m. on the 16th, right?

16 A Right.

17 Q Assuming that's correct.

18 All right. And this is a message that you sent to
19 Ibrahim. You say:

20 Where are you?

21 Is that right?

22 Do you remember having that conversation with him?

23 A Unless I have all of the text --

24 THE COURT: So far there is no conversation --

25 He can't answer that question, Mr. Koehler. This

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 isn't a conversation. It's a three-word text.

2 BY MR. KOEHLER:

3 Q So I want to have you start there and read your way up the
4 page to the top of the page and then keep going up to the
5 middle of the next page where the last one says "Ibrahim" on a
6 little above the center of the next page.

7 MR. MAYNARD: I'm sorry. Where are we starting?

8 MR. KOEHLER: Starting with record 2557.

9 MR. MAYNARD: Okay.

10 MR. KOEHLER: And moving up the page from there.

11 MR. MAYNARD: All right.

12 THE WITNESS: This is me texting Abdul Khabir.

13 How did you guys get Ibrahim there?

14 BY MR. KOEHLER:

15 Q So you think this conversation took place with Abdul
16 Khabir and not Ibrahim?

17 A I was texting Abdul Khabir and Ibrahim is there.

18 Q Can you take a look at the phone number on each one of
19 those text messages?

20 A That's what I'm looking.

21 MR. MAYNARD: Well, Your Honor, additionally, I'm
22 just looking to the second page of 256. There appears to be
23 text messages from his lawyer.

24 THE COURT: We haven't talked about that page. This
25 isn't in evidence.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MR. MAYNARD: Well, I thought he had him reading up
2 to that and into the next page.

3 MR. KOEHLER: The previous day.

4 THE COURT: He has him going backwards because
5 it's -- you know it goes reverse. Right.

6 BY MR. KOEHLER:

7 Q Will you agree with me that each one of the text messages
8 there that says:

9 Ibrahim. Two star. The phone number above it is
10 623-313-6382?

11 A Yes.

12 Q And that was his phone number, Elton Simpson's phone
13 number, correct?

14 A Yes.

15 Q So looking at those texts, you are saying that that
16 conversation was a conversation that happened with AK?

17 MR. MAYNARD: Objection to the form --

18 THE COURT: Hold on.

19 THE WITNESS: No. I said that it was me --

20 THE COURT: Hold on. Hold on.

21 Mr. Kareem, when your lawyer is talking, you should
22 stop talking so that I can rule on whatever he's asking me to
23 rule on. Okay.

24 THE WITNESS: Uh-huh.

25 MR. MAYNARD: Objection to the form of the question.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 There are no conversations. These are text messages that
2 people are writing back and forth.

3 THE COURT: Sustained. Rephrase your question.

4 BY MR. KOEHLER:

5 Q Looking at the text messages going back and forth from
6 that record 2557 back up to the previous page to record 2542
7 which has a date stamp, Universal Time Clock of April 17,
8 2015, at 1:25 a.m. which would make it approximately 6:25 p.m.
9 on April 16th.

10 Looking at those text messages back and forth, is it
11 your testimony that those were back and forth with AK and not
12 Ibrahim?

13 A No. I didn't say with AK. I said I remember this
14 conversation and I had a conversation with AK and Ibrahim.

15 I don't know how this is -- because it would have
16 been AK texting. Ibrahim texting. This is all Ibrahim.

17 Q Can you identify which messages in this you think --

18 A Oh, no, because you're going down, it would have been AK
19 texting me and then Ibrahim and then I would have texted and
20 then Ibrahim would have text.

21 These are all Ibrahim texts right here. None of AK's
22 texts are here.

23 Q Let's stop for a minute.

24 The question I'm asking you is the texts that are
25 here, are those texts between you and Ibrahim?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q And are those texts true and accurate copies of the texts
3 that you exchanged with Ibrahim on that date?

4 A Yes.

5 Q Okay. So let's talk about your conversation via text with
6 Ibrahim.

7 A Okay.

8 Q Your first one to him, again, was at about 5:36 p.m. on
9 April 16, 2015, where you asked him where are you; is that
10 right?

11 A Yes.

12 Q And then --

13 A Hold on. Where are you? That would have been April 17.

14 MR. MAYNARD: Your Honor, can I just ask?

15 The number on the left-hand side, where are we
16 starting?

17 THE COURT: 2557.

18 THE WITNESS: I'm at 2555.

19 MR. MAYNARD: Okay. Thank you.

20 BY MR. KOEHLER:

21 Q Okay. Now going to 2556, which is approximately --

22 THE COURT: Well, stop converting it. Just go
23 through the texts please.

24 MR. KOEHLER: I was just going to go approximately 15
25 seconds later.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: Okay.

2 BY MR. KOEHLER:

3 Q We're about 15 seconds later you send another text to
4 Ibrahim saying --

5 MR. MAYNARD: Objection. He can't read from the
6 document.

7 THE COURT: He just verified that these were accurate
8 texts in that time frame.

9 THE WITNESS: I don't know. Whose number is this
10 right here?

11 THE COURT: Which number.

12 THE WITNESS: It's a number that's right here over on
13 this side.

14 THE COURT: When you say "right here," what page and
15 what --

16 THE WITNESS: I'm on page 254 and --

17 THE COURT: Okay. And it's at the bottom?

18 THE WITNESS: No. If you look right next to the text
19 going back to the left, two columns over, it's number zero
20 says plus-plus the numbers.

21 THE COURT: I don't have any idea.

22 THE WITNESS: Because my number would show --

23 BY MR. KOEHLER:

24 Q Well, let's stick with page 255 and your record number
25 2556, about 15 seconds after you said "where are you" to

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Ibrahim, you said, "I text him so he should read the text and
2 see," correct?

3 THE WITNESS: Where are you saying?

4 THE COURT: We're back on page 255 at that item on
5 the far left that's 2556.

6 THE WITNESS: Okay.

7 BY MR. KOEHLER:

8 Q And you said that to Ibrahim, right?

9 "I text him so he should read the text and see."

10 A I don't remember.

11 Q You don't remember?

12 A No. I don't remember that right there.

13 Q And Ibrahim texted you back about a minute later and said:
14 Should prob call.

15 A I don't remember.

16 Q If he said that to you, it means "should probably call,"
17 right?

18 A Right.

19 Q And then the next one from Ibrahim?

20 A That one I remember.

21 Q About 40 seconds later he said, "Might be a text war
22 there," doesn't it?

23 MR. MAYNARD: Your Honor, again, I object to him
24 reading from a document that hasn't been admitted into
25 evidence and that the witness says he doesn't recall whether

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 or not these texts that are about a year old occurred at this
2 time.

3 THE COURT: I'm going to sustain the objection.

4 The document is not in evidence. The witness
5 sometimes can recall whether he made the text or didn't make
6 the text.

7 If you want to get this in evidence, you'll have to
8 do it the proper way, Mr. Koehler.

9 MR. KOEHLER: He had just testified a minute ago --

10 THE COURT: I know, but he changed his testimony.

11 So this really isn't the proper way to try to get
12 these texts into evidence and you'll have to go about it the
13 correct way.

14 BY MR. KOEHLER:

15 Q So I just want to clarify before we move off of this
16 topic.

17 You testified on your direct examination that the
18 only two dates in April of 2015 that you saw Elton Simpson,
19 Ibrahim, were April 6th and April 22nd; is that right?

20 A Somewhere around there.

21 Q That's what you said on direct, correct?

22 A Somewhere around there. I don't recall the exact date
23 that I saw him but I know April 6th --

24 Q That wasn't my question.

25 A But I know --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q My question was:

2 You testified on direct that those were the two dates
3 that you saw him; isn't that right?

4 THE COURT: I had in my notes April 21.

5 THE WITNESS: Right. I never said April 22nd.

6 MR. KOEHLER: Okay. So April 6th and April 21st,
7 those are the dates?

8 THE WITNESS: Somewhere around there.

9 BY MR. KOEHLER:

10 Q Did you text Ibrahim when your blood sugar spiked?

11 A Did I text him?

12 Q Yes, to let him know?

13 A I had texted Ibrahim and told him my sugar is high and I
14 had to go to the hospital.

15 Q And that's one of those two dates that you said you saw
16 him?

17 A It happened twice in that month. I don't recall the
18 dates --

19 Q Okay.

20 A -- when it happened.

21 Q And was one of those dates April 22nd?

22 A Yes.

23 Q And is that one of the two dates in April that you saw
24 Ibrahim?

25 A I never seen him. I texted him.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q I thought you said on direct that he came and visited you?

2 A That was on -- he went to dinner. He came to dinner.

3 Q And he didn't come see you after you went to the urgent
4 care?

5 A Yes. He did come one time. And he came once. I went
6 twice out there. I just can't recall the dates that I went.

7 Q Do you recall getting a text message from Abdul Mubarak on
8 or about April 18 of 2015 offering you a nine for sale for
9 \$200?

10 A No. I don't recall that.

11 Q Okay. He sent you a text saying --

12 I got a 9 for sale for 200.

13 -- at one point, didn't he?

14 A I never seen it.

15 Q You never saw the text?

16 A No.

17 Q And so a little while later, did you try to contact Elton
18 Simpson about something that you had to trade out with him,
19 something very, very good?

20 A I remember that text and it was an iPad that he had
21 wanted. And I had wanted his -- he had a Windows -- a Windows
22 tablet that came apart and I had an tablet --

23 Q Did he tell you about a Microsoft Surface tablet?

24 A Yes. And he had wanted the iPad.

25 Q Now, when you were at your house on Cochise, you had your

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 television hooked up to an Roku system; is that right?

2 A Yes. There was three of them in the house.

3 Q I'm sorry?

4 A There was three of them in the house.

5 THE COURT: Three televisions?

6 THE WITNESS: Three Roku boxes.

7 THE COURT: Three Roku boxes. Okay.

8 MR. KOEHLER: Can you pull the mic a little closer so
9 we can hear you better?

10 THE WITNESS: Yeah.

11 THE COURT: What's a Roku box?

12 THE WITNESS: Well it's a box that -- that you can
13 get movies and over about six to seven hundred channels on six
14 to 7,000 channels on it.

15 BY MR. KOEHLER:

16 Q One of the things you can access off that Roku box is
17 YouTube; is that right?

18 A Some of them.

19 Q What do you mean some of it?

20 A Some of them you can. I had a Roku One.

21 Q And the Roku that you had on your main TV in the living
22 area of your home, that one was the XS2; is that right?

23 A X what?

24 Q XS2 Roku?

25 A No. I believe it was like the like the -- I don't know.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 I know it was an Roku box. I don't know the name.

2 Q Okay. It was one that came with a gaming controller;
3 isn't that right?

4 A I think so.

5 Q And the gaming controller had a little blue strap on it?

6 A Yes.

7 Q And that's the same one in the photo that we showed on the
8 screen earlier today; is that correct?

9 A Yes.

10 Q I would like to direct your attention to Exhibit 612. Do
11 you have that sitting on the stand in front of you?

12 A Yes.

13 Q That's an e-mail that you got from Roku back on September
14 21, 2014; is that right?

15 A I'm not sure.

16 Q Why don't you look at the bottom center of it where it
17 says "Created and Accessed"?

18 THE COURT: The bottom center of what?

19 MR. KOEHLER: Exhibit 612.

20 THE COURT: Would you put it on the screen and point
21 to what you want us to look at?

22 MR. KOEHLER: Right there.

23 BY MR. KOEHLER:

24 Q Do you see that, sir. Look at your screen next to you.

25 A It says 9/21.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q Yes.

2 A Yes.

3 Q September 21, 2014.

4 A Yes.

5 Q And you're using your Acer computer at the time you
6 changed your password on the Roku; is that correct?

7 A I don't know. Stefan could have been using it.

8 Q You don't recognize this e-mail to your
9 gitrdonemoving@gmail.com account?

10 A No.

11 Q Let's talk for a minute about something you brought up on
12 direct.

13 You were friends with AK before all this happened; is
14 that right?

15 A Yes. He's my cousin.

16 Q I'm sorry?

17 A He's my cousin.

18 Q Right. But you didn't know about that until sometime
19 after the fact; is that right?

20 A I said before all of this happened, so be more specific in
21 what --

22 Q You didn't know that AK was your cousin until after all
23 you guys moved to Phoenix; is that right?

24 A Right.

25 Q Okay. And sometime before the Garland attack, you and AK

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 had a conversation about Simpson and Soofi having a plan to
2 attack a Marine base; is that right?

3 A I really don't -- he mentioned something, but it's vague.
4 I didn't think anything of it.

5 Q Isn't it true that you told AK --

6 A No.

7 Q -- that Simpson was planning on going to shoot up a Marine
8 base?

9 A No. I never told AK anything like that.

10 Q And despite having had this conversation with AK, you
11 didn't bring that up to the FBI in your interview with them,
12 did you?

13 MR. MAYNARD: Objection, Your Honor.

14 THE WITNESS: I never said it.

15 MR. MAYNARD: He never said he had the conversation.

16 THE COURT: Sustained. Rephrase the question, Mr.
17 Koehler.

18 With "this." You are referring to "this" and he just
19 denied whatever it was that you suggested that he said. So
20 it's not clear what "this" conversation refers to.

21 BY MR. KOEHLER:

22 Q You said that AK said something to you about that?

23 A Something vague. I wasn't paying attention when he said
24 something to me about it. I didn't know exactly what he said,
25 but he mentioned something but I don't know.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Q And you didn't mention that at all during your FBI
2 interviews?

3 A I didn't think it was anything.

4 Q So Elton Simpson and Nadir Soofi went to Garland, Texas,
5 armed with assault rifles and started shooting and got shoot
6 and killed and you didn't think that was anything relevant to
7 your conversation with the FBI?

8 A No. I didn't -- I didn't know that they was going to
9 Garland, Texas.

10 Q That's not my question, sir.

11 A And I didn't know -- AK never mentioned that conversation
12 to me and I never mentioned that to AK.

13 Q Just a minute ago you said he did mention it to you --

14 A I don't remember.

15 Q -- and you said that he was vague?

16 A I said I don't remember the conversation. If he said
17 something to me, it was vague. I didn't -- I wasn't
18 corresponding with him about something that was said. I don't
19 remember anything like that.

20 Q So you heard AK testify here today, right?

21 A Yes.

22 Q And you heard him testify that you told him that Simpson
23 and Soofi were going to go shoot up a Marine base?

24 A I never said nothing like that to him.

25 Q Let's talk about your incident on April 6th at 2015.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A Yes.

2 Q This is when you went to the T-Mobile store, correct?

3 A Yes.

4 Q Do you remember calling the insurance company a couple
5 days after that?

6 A I remember calling.

7 Q You called the insurance company and you told them that
8 you were really hurt; is that right?

9 A Yes, I was.

10 Q And you said you couldn't move your hip?

11 A I couldn't move --

12 Q And you couldn't move your leg; is that right?

13 A Right.

14 Q And you told the person on the phone that when Karem
15 Fabian asked you how you were doing, you told them -- or you
16 told her that you were not okay.

17 A I didn't never say that.

18 Q That's exactly what you said to the insurance company,
19 isn't it?

20 A I told them that I was not okay?

21 Q That you told Ms. Fabian that you were not okay.

22 A Well, when she asked me "are you okay," I told her
23 tomorrow is a different day.

24 Q But you told her --

25 A I told her that --

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: Hold on. Hold on. Hold on a second.

2 Only one person can speak at a time.

3 Mr. Kareem, I'm going to ask you to wait till Mr.
4 Koehler finishes his question before you start to answer.

5 And, Mr. Koehler, I'm going to ask you not to
6 interrupt Mr. Kareem's answer with your next question.

7 So, Mr. Koehler, you go first.

8 BY MR. KOEHLER:

9 Q So you testified on direct what you just said.

10 But on April 8th when you talked to an insurance
11 investigator, you told the insurance investigator that you
12 told Ms. Fabian that you were not okay that night; isn't that
13 right?

14 A I don't -- I don't recall.

15 Q You told the insurance investigator that her -- bless
16 you -- that her music was turned up really loud, didn't you?

17 A Yes. Yes. It was up.

18 Q And you told the insurance investigator that her windows
19 were tinted darkly; is that right?

20 A Yes, they were.

21 Q Yet you went to the hospital at John C. Lincoln and the
22 people there found no evidence of injury to you; is that
23 right?

24 A They did. They did. I have the paperwork.

25 MR. KOEHLER: For the record this is Exhibit 523

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 which is in evidence.

2 Sir, could you please read starting right here where
3 my finger is where it says: Abdul Malik Abdul Kareem.

4 THE COURT: Did you want him to read it out loud or
5 to himself.

6 MR. KOEHLER: Read it out loud.

7 A Your Honor Abdul Malik Abdul Malik.

8 THE WITNESS: Abdul Malik Abdul Kareem. 43 years
9 old. Male who presents with left hip and left side lower back
10 pain after being hit by a car 24 hours ago. Patient had no
11 objective --

12 THE COURT: Could I ask you to speak a little closer
13 to the microphone as you read?

14 MR. KOEHLER: You can pull the microphone over in
15 your direction if that's easier.

16 THE WITNESS: I patient had no objective abnormal
17 findings on exam but had request x-rays so I will order them.
18 He walked into the room with no hip -- I don't know what that
19 is -- no difficulties in getting cut -- what is this getting
20 cut on clothes and has full ROM.

21 MR. KOEHLER: Has full R-O-M.

22 THE WITNESS: R-O-M.

23 MR. MAYNARD: Your Honor, I ask that the next two
24 paragraphs -- the first two paragraphs on the next page be
25 read under the doctrine of completeness.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 THE COURT: There's no -- what is the next page and
2 the paragraphs you are referring to?

3 MR. MAYNARD: The next page is page 7. That was page
4 6 that they were looking at.

5 THE COURT: Okay.

6 MR. MAYNARD: And it's a time line starting at 11:28
7 and then they go up to 12:41. Do you want my copy?

8 THE COURT: Better yet, do you want Exhibit 523?
9 Then we will know for sure.

10 Maureen, could you give Mr. Koehler Exhibit 523?

11 Sir, we will look at the top of page 7 and read the
12 two paragraphs that Mr. Maynard asked for and then we will
13 recess for the day.

14 MR. KOEHLER: Oops.

15 THE COURT: I hope you missed the document camera.

16 MR. KOEHLER: I did.

17 THE COURT: Good.

18 MR. KOEHLER: I'm putting the lid back on now.

19 BY MR. KOEHLER:

20 Q So on page 6 you read the paragraph that says:

21 Patient had no objective abnormal findings on exam
22 but had requested x-rays so I will order them. He walked into
23 the room with no limp, exhibited no difficulty in getting out
24 of his clothes, and has full ROM.

25 Would you agree that stands for range of motion?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 A I don't know what it stands for.

2 Q Okay. Let's go to the next page. This is page 7. Right
3 here. Initiated care. Go ahead.

4 A You'll have to read it through. I'm having difficulty
5 seeing it.

6 MR. KOEHLER: Okay.

7 THE COURT: Why don't you read it. It's a document
8 in evidence and he's having difficulty seeing his screen.

9 MR. KOEHLER: The next page it says:

10 Initiated care. Patient seen and evaluated at
11 bedside by me. Discussed treatment and evaluation options
12 with patient who never verbalized understanding.

13 12:41 p.m. Reevaluated. The patient is improved and
14 resting comfortably at this time. Discussed the plan to
15 discharge home. The patient is agreeable to the plan. Strict
16 return precautions were discussed at length.

17 Is that correct?

18 THE WITNESS: Yes.

19 MR. MAYNARD: Thank you.

20 THE COURT: We will recess for the day, ladies and
21 gentlemen. We will reconvene at 9:00 o'clock tomorrow
22 morning.

23 You are reminded again of the admonition not to
24 discuss the case among yourselves or with anyone else.

25 Please do not form any conclusions about the case

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 until you have heard all the evidence and begun your
2 deliberations.

3 I'm going to recess, but I'm coming back in five
4 minutes because I want to go over just briefly with you a few
5 of the proposed instructions.

6 I will see the jury at nine o'clock tomorrow morning.
7 I will see counsel in about five minutes.

8 (Recess taken at 4:27 p.m.; resumed at 4:36 p.m.)

9 (Open court, no jury present.)

10 THE COURT: Thank you. Please sit down.

11 The record will show the presence of counsel and the
12 defendant. The jury is not present.

13 I had a chance over the lunch hour yesterday to take
14 a look at the instructions and I'm not going to go over them
15 in detail with you today, I just wanted to talk about a couple
16 of different things.

17 First of all, there were these instructions about
18 interpreters and the Dari language. I assume that at this
19 point in time there is going to be no witness who is speaking
20 another language.

21 MR. KOEHLER: We may call a witness in rebuttal that
22 would require a Dari interpreter.

23 THE COURT: So, okay. So I can't take them out for
24 sure yet.

25 The second thing that I noticed, you know how we have

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 for every count we're supposed to have an instruction that
2 begins:

3 "The Defendant is charged in Count No. such-and-such
4 with" -- and then you say what the crime is.

5 There is no such instruction for Count 2 that I could
6 find. And so I wanted to alert you before we're talking -- I
7 don't want to be composing instructions on the fly.

8 So what I found in the government's proposed
9 instructions was an instruction -- the only one that I found
10 that appeared to address Count 2 was the instruction on page
11 of the Government's Proposed Jury Instructions that begins:

12 A defendant may be found guilty of transporting
13 firearms and ammunition in interstate commerce with the intent
14 to commit crimes punishable by imprisonment exceeding one
15 year, et cetera.

16 And then it goes on:

17 To prove a defendant guilty by aiding and abetting as
18 charged in Count 2, the government must prove --

19 So this instruction might be a sufficient -- but it's
20 not structured properly. All of the other instructions for
21 every count say:

22 The defendant is charged in this count with this.

23 And there's nothing that says that on page 11 or in
24 any other instructions.

25 So I need an instruction that says:

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 The defendant is charged in Count 2 with aiding and
2 abetting the transportation of firearms in interstate
3 commerce, et cetera.

4 So that's missing here and I wanted to bring that to
5 your attention before we were ready to attempt to resolve all
6 of the instructions.

7 MR. KOEHLER: We will address that, Your Honor.

8 We also noted that we need a brief instruction on the
9 elements of Murder and Aggravated Assault under Texas law as
10 part of that instruction.

11 THE COURT: Well, you bring that up, and maybe one of
12 the things that I was thinking about, because there's both
13 this and the "conspiracy" instruction, have "with the intent
14 to commit crimes punishable by imprisonment exceeding one
15 year."

16 And I thought maybe we could be more specific. Why
17 would we need the elements of Murder or Aggravated Assault?
18 And instead, just say to the jury, "with the intent," because
19 you don't have to prove beyond a reasonable doubt the elements
20 of Murder and Aggravated Assault, only that that appeared to
21 be the intention of the people that went to Texas.

22 And simply change the instructions to read more
23 simply as related to the facts of this case "with the intent
24 to commit the felonies of Murder and/or Aggravated Assault."

25 And similarly, when we get to Felon in Possession of

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 a Firearm, instead of a felony -- or "with the intent to
2 commit a crime punishable by imprisonment for a term exceeding
3 one year," PSDY is one of them.

4 Why don't we just say:

5 After having been convicted of Aggravated Driving
6 While Under the Influence, a felony.

7 The jury doesn't have to determine that a felony is a
8 crime punishable by imprisonment exceeding one year. That's
9 what the definition is.

10 So those are just some preliminary thoughts about
11 making these instructions a little bit more clear. Hopefully,
12 simpler, and to follow the same, you know, the jury will be
13 wondering, "Where is the Count 2?" because Count 2 doesn't
14 appear as it does with respect to Counts 1, 3, 4 and 5.

15 So that's all I have to say about the instructions
16 today.

17 MR. KOEHLER: We will address those items.

18 THE COURT: Oh, and which reminds me, with respect to
19 any instructions that are omitted, please do not orally tell
20 me, "Oh, by the way, we need an instruction on this tomorrow"
21 and expect me to create one sitting up here just composing it
22 on the fly.

23 If you need to make -- you need to make sure -- and I
24 think I said this last Friday -- to have reviewed the
25 instructions. And if there are any additional instructions

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 that have not been submitted, to submit them in writing so
2 that we all can be looking at them and determining whether we
3 need it or whether we need it as modified.

4 Mr. Koehler?

5 MR. KOEHLER: We will do so.

6 Items that we had on our agenda for today, in
7 addition to the instructions discussion, one of the things we
8 did when we rested was rest subject to the admission of
9 certain exhibits.

10 And the exhibits that remained out there for
11 consideration were Exhibits 291, 293 --

12 THE COURT: Hold on. Hold on. Let me just see what
13 they are. Oh, the photographs.

14 MR. KOEHLER: Yes.

15 THE COURT: Okay. So is that because I now have --
16 you have now given me the copies of the substitute exhibits
17 that you want to offer?

18 MR. KOEHLER: That is correct.

19 THE COURT: And it's 291, 293, and 310?

20 MR. KOEHLER: That is correct; 291, 293, and 310.

21 THE COURT: Okay. I will look at these and let you
22 know tomorrow.

23 MR. KOEHLER: Okay. Well, first, before I do that,
24 is there an objection -- an objection to revised 291, 293,
25 and/or 310?

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MR. MAYNARD: I don't know that I have seen them.

2 THE COURT: Well, you have. It's just that you don't
3 remember now. It was a long time ago. They now have black
4 boxes --

5 MR. MAYNARD: Oh, okay.

6 THE COURT: -- on them.

7 MR. MAYNARD: I don't have an objection to 291.

8 THE COURT: Okay. Well then the new 291 with the
9 black boxes on it --

10 MR. MAYNARD: I don't have any objection to 293.

11 THE COURT: -- will be admitted.

12 So, Maureen, I'm going to hand this to you right now
13 so you can make sure that you have thrown away this one that's
14 stapled to the yellow sheet and put the new one on.

15 (Exhibit No. 291 admitted in evidence.)

16 THE COURT: How about 293?

17 MR. MAYNARD: I don't have an objection to that any
18 longer.

19 THE COURT: Okay. Same thing. So without objection,
20 the 293 revised with the two black boxes on it is admitted.

21 (Exhibit No. 293 admitted in evidence.)

22 THE COURT: So 310 -- when you said you were going to
23 fuzz them, actually, that's what you did on 310.

24 All I can see is that 310 looks a little fuzzy in
25 certain places where it didn't before.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MR. MAYNARD: I still have an objection to 310.

2 MR. KOEHLER: That's correct.

3 THE COURT: You still have an objection to 310?

4 Then I will look at the old and the new 310 and rule
5 on it. And are the objections "more prejudicial than
6 probative" and "cumulative"?

7 MR. MAYNARD: Yes.

8 THE COURT: Okay. I will look at them with those two
9 objections in mind.

10 MR. KOEHLER: Your Honor, Ms. Brook drew my
11 attention -- she's pulling the exhibit numbers on the items.

12 We admitted a couple of issues of Inspire Magazine
13 and a couple of issues of Dabiq Magazine into evidence in the
14 case.

15 I think there's some concern that there may be some
16 overly gory material in either of those magazines. We need to
17 take a look at that and make sure that the defense is okay
18 with those going back. They have been unconditionally
19 admitted, but obviously, we don't want to create an issue for
20 ourselves if we don't need to.

21 THE COURT: Okay.

22 Anything else from the government?

23 MR. KOEHLER: So far the exhibit numbers on those are
24 179, 180, and 282.

25 THE COURT: Okay. 179, 180, and 282.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 MR. KOEHLER: And then as I recall, it was something
2 in the 40s, like 48, 49, or 47, somewhere in that neighborhood
3 and we'll look at that.

4 THE COURT: The Dabiq issues 5 and 8 are 45 and 46,
5 so I'm not going to look at them.

6 MR. KOEHLER: We will confer with defense counsel. I
7 just wanted to put the issue on the record.

8 THE COURT: Thank you. Unless you can't come to an
9 agreement, then I will be happy to look at them.

10 Is that all?

11 MR. KOEHLER: Yes, it is. Thank you.

12 THE COURT: Okay. Was there something else,
13 Ms. Brook?

14 MS. BROOK: I don't think we have yet resolved the
15 issue related to the exhibit that we were just using, the
16 medical records from the defendant, which was 523. I just
17 wanted --

18 THE COURT: I thought that was in evidence.

19 MS. BROOK: It is. There were three pages, 9, 10,
20 and 11, which we still need to make sure we have an agreement
21 on that they are not going to be included in the exhibit.

22 THE COURT: Oh, because they were a lawyer's -- yes,
23 you just need to pull those --

24 Well, I say you need to pull those out, but you need
25 to make sure that the computer has them pulled out as well.

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 Mr. Maynard?

2 MR. MAYNARD: I haven't looked at 9, 10, and 11. I
3 will look at them tonight.

4 THE COURT: Was there anything you wanted to address
5 this afternoon?

6 MR. MAYNARD: Oh, no.

7 THE COURT: Okay. The last thing though, I got this
8 letter -- this letter -- this question.

9 I think it was -- I know it was on Friday after the
10 jurors left -- asking about perjury. And I didn't know
11 whether you wished for me to address it or how you wished for
12 me to address it.

13 Obviously, I have ignored it all day long. My
14 thoughts were if you wanted me to address it, to simply,
15 without reading the text of the question to the jury, indicate
16 that a juror asked about perjury.

17 That perjury is not an issue in this case.

18 But that "perjury" is when someone lies either in
19 court or on a document where they have sworn to the truth.

20 And that's it. I mean, that's what "perjury" is is
21 lying under oath.

22 But we can ignore it too if you want. I don't have
23 any strong feelings about whether and how we address this
24 question.

25 MR. KOEHLER: From the government's perspective, we

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1 think it's best left ignored.

2 MR. MAYNARD: I looked at it and I've forgotten about
3 it. I will look at it over the evening and let you know
4 tomorrow.

5 THE COURT: Okay. So Mr. Sageman is going to testify
6 tomorrow?

7 MR. MAYNARD: Yes. At that point I believe we will
8 rest.

9 THE COURT: And the government's anticipating some
10 rebuttal testimony?

11 MR. KOEHLER: Correct, Your Honor.

12 THE COURT: And whatever it is, you will be prepared
13 to have the witnesses tomorrow?

14 MR. KOEHLER: Yes.

15 THE COURT: Okay. All right. See you tomorrow
16 morning at 9:00.

17 Court is in recess.

18 (Proceedings adjourned at 4:50 p.m.)

19 * * *

20

21

22

23

24

25

CR15-00707-PHX-SRB

JURY TRIAL-DAY #13

3-8-16

1

2 C E R T I F I C A T E

3

4 I, ELIZABETH A. LEMKE, do hereby certify that I am
5 duly appointed and qualified to act as Official Court Reporter
6 for the United States District Court for the District of
7 Arizona.

8 I FURTHER CERTIFY that the foregoing pages constitute
9 a full, true, and accurate transcript of all of that portion
10 of the proceedings contained herein, had in the above-entitled
11 cause on the date specified therein, and that said transcript
12 was prepared under my direction and control.

13 DATED at Phoenix, Arizona, this 1st day of August,
14 2016.

15

16

17

18

19

s/Elizabeth A. Lemke

ELIZABETH A. LEMKE, RDR, CRR, CPE

20

21

22

23

24

25